DEBATES IN CONGRESS.

PART II. OF VOL. XI.

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OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE SECOND SESSION OF THE TWENTY-THIRD CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XI.

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of the banks of deposite, the Secretary of the Treasury, under the discretionary power vested in him by the law as it now exists, may discontinue or change them at pleasure. If the bill pass, he will no longer possess this power; and if the object of the gentleman from Georgia, by his proposed amendment, be to restrict this discretion, he cannot fail to attain his object by aiding in the passage of this bill.

All parties in this House now agree that the Bank of the United States is not to be rechartered, and that we ought to provide other depositories and other agents to keep the public money, and perform the fiscal duties heretofore performed by that institution. If this be so, I have a right to call upon all parties in the House to unite with me in passing this or some other bill upon the subject. The alternative is presented to the House, either to suffer the banks now employed to continue in the service of the Treasury, under the law as it now exists, or to pass a law prescribing the mode of selection, the securities to be taken, and the manner and terms on which they are to be employed. The bill before the House is intended to accomplish the latter objects. It was the result of a careful and laborious examination of the subject at the last session of Congress. It has undergone a careful revision, in all its provisions and details, by the committee who reported it at the present session. It is not desired to leave with the Executive any discretionary power which can be restricted or defined by law. The President, in his annual message, calls the attention of Congress to the subject, and suggests the propriety of further legislation. If the bill be susceptible of amendment, let it be amended and passed. That portion of the House who have heretofore objected most loudly to the exercise of the discretionary power now vested in the Executive, can certainly have no objection to unite with me in perfecting and passing the bill.

When Mr. POLK had concluded his speech,

Mr. GORDON submitted the following amendment:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the ——— day of ——— in the year ——— the collectors of the public revenue, at places where the sums collected shall not exceed the sum of ——— dollars per annum, shall be the agents of the Treasurer to keep and disburse the same, and be subject to such rules and regulations, and give such bond and security, as he shall prescribe, for the faithful execution of their office, and shall receive, in addition to the compensation now allowed by law, ——— per centum on the sums disbursed, so that it does not exceed the sum of ——— dollars per annum.

SEC. 2. *And be it further enacted,* That at places where the amount of public revenue collected shall exceed the sum of ——— dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security to keep and disburse the public revenue, and be subject to such rules and regulations as the Treasurer shall prescribe, and shall receive for their services ——— per centum per annum on the sums disbursed, provided it does not exceed the sum of ——— dollars per annum.

SEC. 3. *And be it further enacted,* That, from and after the ——— day of ———, the whole revenue of the United States derived from customs, lands, or other sources, shall be paid in the current coins of the United States.

When Mr. G. had offered his amendment, he addressed the House nearly as follows:

In presenting the amendment which has just been read, I candidly acknowledge that I do not at this time entertain a very distinct hope of obtaining in its favor the votes of a majority of this body. I presented, at the last session, a similar amendment to a bill then pending; and I was induced to do so by the deep interest felt, both here and elsewhere, in the discussions which were then carried on in Congress, touching the management of the public revenue. When, within sixty days of the meeting of the Congress of the United States, I beheld the extraordinary spectacle of the executive head of this confederacy attempting, through his power of appointment, and the practice of removal from office, to control and regulate the deposite of the public revenue, it did, I confess, awaken in my mind feelings of the deepest surprise and alarm.

In the controversy which was so warmly prosecuted in this House in relation to that subject, the members of Congress were divided into parties—one in favor of the continuance of the Bank of the United States, and of giving to it the custody of the public revenue; another in defence of the executive interference, in its removal, and of substituting the banks of the different States. I was one of a small class of Representatives on this floor opposed to the Bank of the United States, both because it was unconstitutional, and is an institution capable of wielding a power dangerous to republican government, and also opposed to the executive interference in any way with the revenues of the people, because I considered it to be a vital principle in all free Governments, that the revenue must, in all respects, be under the control of the people or their representatives, to whom alone it pertained to say how it shall be raised and collected, by whom it shall be paid, how it shall be disbursed, to what uses it shall be applied, and by whom and where it shall be kept.

It was argued by the friends of the Executive, that such an institution as the United States Bank was dangerous to a free Government, from its extensive and powerful influence, as well over the public opinion as the public interest. I concur in this opinion, and rejoice that the bank is to be put down, but I nevertheless entirely disapprove of the executive interference, in causing the public money to be removed from the custody where the law had placed it to the State banks, where the law did not direct it should be placed, and because the power and influence of a multitude of State banks, scattered over every portion of the country, dependent on the executive will, would be a dangerous extension of the patronage of the Executive, especially as the custody and control of the revenue was claimed by the friends of the administration, in this behalf, as an executive power derived from the constitution itself. Perceiving, I thought, that the scheme of the Executive would result in evils not then anticipated, I looked out with anxiety to discover some plan by which the federal Government might be wholly disconnected from the organized capital of the country, whether in a national or in State banks. And after much reflection, and consultation with wise and experienced men, I proposed to effect it by an amendment to the bill then pending, and presented it to the consideration of Congress; and I now venture once more to submit it to the notice of this body.

In taking this step, I am actuated by higher considerations than a regard simply to the safe keeping of the public treasure. I verily believe, and I think experience will convince the most incredulous republican, that the wise and patriotic framers of our constitution have unintentionally given to the executive power a fearful and dangerous ascendency, which makes it an overbalance to all the other departments of Government. Limited and circumscribed within the constitutional limits, it is a power too great to be confided with safety to any human being. According to the new construction placed upon its extent by the present incumbent, and his supporters in his behalf, it is a mass of power such as the beneficent Author of the world could alone wield without danger to human liberty. What is this body? What are the Representatives of the American people? Before the might of the executive arm they yield as a rush. When that exalted officer unrols the scroll of his might, when he exhibits to their anxious eyes the endless roll of honorable and profitable appointments which await his pleasure, who among us possesses the firmness to turn with averted eyes from the golden bait of interest and power? And who can sustain the erectness of his spirit after he has reached the goal of his ambition, when he feels that he holds his station by the will of one man? And when it has become the practice of the Government to appoint to the highest of those places influential and devoted members of this body, can any man expect that a majority of its members should long stand up against the influence of this proud and seducing power thus exerted? Let it not be thought that I have any wish to speak unkindly of the present distinguished incumbent of the executive chair. I contributed my humble aid to elevate him to the seat he occupies, and in many, in most of his acts, he has my entire concurrence. But I have seen of late, under his construction of the constitution, and the support which his doctrine and his course have received, the liberties of this country brought, as I conceive, into the most imminent danger. Owing to the attachment of my country to one whom they consider as their great and distinguished benefactor, the whole land seems to be sleeping in a condition which, unless we arouse and exert ourselves, may prove the sleep of despotism.

Mr. Speaker, this Representative hall presents, or ought to present, the true and legitimate fountain of public opinion. It is here that the Representative of the people should take his stand in defence of the liberty of the people and his own rights, against the overshadowing influence of executive power. But, sir, how is it that we have stood upon this floor, and what is the resistance which we have presented to executive claims? By pleading the practice of the Government during former years, in minor instances, to justify the extraordinary spectacle of the Chief Executive Magistrate of this Republic controlling, by a single act of his will, the whole revenue of the country. In my recollection of English history, I remember no instance where a question has arisen affecting immediately the rights of the people, invaded by the King, that the English Commons have not been true to the people's interest, against the unjust pretensions of the Crown. But here, sir, within these walls, I regret to have seen that almost the first great question which has arisen affecting the dearest rights of the people, directly invaded by executive power, a majority of the immediate representatives of the people are seen rallying on the side of power. Still, had the act of the President, though to my mind plainly wrong and unauthorized, resulted in an equal and beneficial diffusion of the public revenues through the different portions of the Republic, we might have found some room for palliation of the illegality of the act in its beneficence. If we could not approve, we might at least have excused it. But what, sir, in fact, has been the actual result of this new and beautiful arrangement of our fiscal concerns, so highly lauded by the talented and amiable chairman of the Committee of Ways and Means? Of the twenty-four millions which constitute the gross amount of our revenue received from the customs, more than thirteen millions, being collected in one seaport, are deposited in the banks of a single State, while the other twenty-three States are left to get such fragments of the residue as chance or favor may throw into their lot. Yes, sir, while the great State of New York, so justly styled the empire State, in addition to all her other advantages, natural and political, has her banking capital increased by the accession of more than thirteen millions of dollars, by a single wave of the executive arm, Virginia, the Old Dominion, receives from the same arrangement a little more, in gross revenue, than two hundred thousand dollars. Ay, sir, that ancient Commonwealth, that has borne the battle and the breeze, which in all emergencies of this Republic, if not foremost, has ever been found in the front rank in its defence, in this distribution of the federal loaves and fishes, puts into her coffers two hundred thousand dollars, while the great State of New York, with her army of Representatives on this floor, and all her preponderating weight in the councils of this nation, receives the modest and inconsiderable sum of thirteen millions of dollars. Whenever I think of this distribution, it reminds me of Æsop's fable of the beasts who hunted with the lion in company. We all know how the spoil was divided then, and it is not difficult now to tell who it is that has received the lion's share.

The proposition I have presented is intended to remedy these inequalities. Sir, I have said that the Executive, in this Government, was too strong for the other departments, from its legitimate constitutional power. Commander-in-chief of the army, of the navy; controlling, in a great degree, the Land and the Indian Departments, the Post Office Department, the officers of the customs, the jobs and contracts authorized by law—and when you superadd to the executive patronage this power of dispensing the revenue to whatever portion of the country he may please, you yield a fearful and highly dangerous extension of an authority never, in its simplest form, sufficiently guarded or circumscribed. The great man of Virginia, Patrick Henry, a political seer who looked far down the stream of time, and who foretold, with prophetic truth, the tendencies of this Government—uttered, in the convention of Virginia which adopted the federal constitution, this sententious maxim of political wisdom: "When you give power you know not what you give." Sir, it is most true. When you give power to a Secretary of the Treasury (we know of what stuff they are made of) to transfer at pleasure the deposites of the revenue to such banks as may most successfully court his favor, you are adding to the President of the United States, whose creature he is, and that by the legislation of this House, a most tremendous and gigantic power. And how is it to be exercised? Is there to be no inequality? Yes, sir, the States of the South, and those whose representation is weak upon this floor, are to get nothing, although it is their agriculture which furnishes two thirds of the entire amount of our commercial exports. Sir, you compromised the controversy about the tariff, but if the whole of the States of this Union are to be taxed for the exclusive benefit of the bankers and brokers of New York, you are imposing upon the people a burden even worse than that of the tariff itself. Unjust and oppressive as that was, it had still something alluring about it in the encouragement of our own fabrications; in the arts which adorn and the arms which defend our country—an object which, could it be effected with fairness, and without oppression, the South would rejoice in. But it is a most gloomy prospect to contemplate that more than half of the revenue derived from the customs of this vast country shall go into the coffers of New York. Sir, that empire State, with this fearful addition to all her natural and commercial advantages, will grow too powerful for this confederacy. That will happen with respect to her which Maryland feared would happen as to Virginia, unless she should consent to cede her western domain. Sir, Virginia put those fears to flight. With a view to preserve the equality of the States, she did cede her western domain, to be formed into States equal and free as herself: for, true to principle, she has always preferred liberty to power.

The State of New York possesses great natural advantages, improved by the enterprise of her citizens and the wisdom of her councils: at this I rejoice. Her position is most felicitous: extensive in territory, with the lakes on one border and the Atlantic ocean on the other; binding to her closely, by ties of interest, whole States of the confederacy, she is possessed of commercial advantages to which she is fairly entitled, and of which I would not wish to deprive her. But I would not swell her prosperity by political regulations calculated to give her a fearful preponderacy; for, should the political power of the President drift to a union with the commercial power of New York, they will present a combination ominous to freedom.

There is another consideration which has induced me to offer this amendment. We may all very plainly see that the contest for the executive office is the rock on which the permanency of this Republic is likely to be wrecked, and the vehemence of this contest will ever be in proportion to the executive patronage. But for this, the office would have no allurements but for virtuous ambition; but, with this concomitant, it exerts an influence which may one day prove fatal to the federal part of our system. If we do not separate the influence of the Executive from the interest of banking incorporations, we shall have another controversy on the subject of banks. The political will be united with the money power. The contest must come—it will come. You will witness a struggle in this Capitol between State banks and federal banks, and the combatants for the President's chair will be found contending in different ranks of interest and influence, whilst they mar the peace of the country and shake the pillars of the constitution. Separate, then, I beseech you, Representatives of the American people, if you wish to put down this fearful contest for the presidential chair—I had almost said presidential throne—separate, I entreat you, banking and politics. Let the banks facilitate the exchanges of commerce and further the interests of trade; but let them, I pray you, have nothing to do with the Government.

Mr. Speaker, I know and feel under what disadvantages the proposition I have offered comes before the House. Sir, I am not the first or the only man who has attempted to arrest the course of power, and I know at what a hazard that attempt is usually made. Sir, the chairman of the Committee of Ways and Means has told us that the plan I propose has not escaped the notice of the Secretary of the Treasury. Yet, though that officer has presented us with a ponderous, I wish I could add luminous, report on the fiscal concerns of this Government, he has passed this proposition with a single glance. When the gentleman from Georgia [Mr. GAMBLE] introduced a resolution calling upon the Secretary of the Treasury for a plan to collect and disburse the public revenue without the agency of banks, the House voted it down. The proposition met with no favor. The arrangement was made; the bargain was concluded; the banks had got the money; they hold it now; and the present bill is little more or less than a form, a ceremony, ratifying the bargain concluded between the organized capital of the country and the Secretary of the Treasury. No wonder that officer declined entering into the details of a scheme which he himself admitted to be of a practical character, but which did not suit the purposes of power. Sir, the scheme is practicable; and, further, I say that it is more simple and more efficient than that proposed by this bill. It is true, the amendment is elementary only; it proposes the germe, the distinguishing measure only, of the plan I propose; but were this agreed upon, how easy would it be to go on and perfect the details. Let these collectors be put under bond, with sufficient security, and let them keep the revenue they may collect until called for by the Government. The chairman of the Committee of Ways and Means thinks that this would keep too much specie unemployed. Sir, the day has not long gone by when this hall, ay, sir, and the whole country, rang with the cry of "specie! specie!" "Jackson money!" "yellow jackets!" "down with bank rags!" Well, sir, I propose a plan by which the business of Government will be done in specie, and in specie only; and then the gentleman tells us that by law it is done in specie already. Such, it seems, is now the law of the land. Sir, I am glad, exceeding glad, to hear it. If the fact be so, I have proposed no innovation; and ought not the practice of the Government to correspond with the law? I am not for altering such a law. But what does this bill do? It makes it indispensable to any bank's becoming the depository of the Government funds, that it have at all times a large amount of specie in its vaults. It appoints a system of search and inspection to ascertain the fact; and if it shall be discovered that the bank does not keep locked up from circulation a certain large amount of specie, the Government deposites are withdrawn, and the bank ruined.

Surely, sir, the specie in the vaults of a bank is as much withdrawn from circulation among the people as in the coffers of a collector of the revenue. It lies there merely as a source of credit to the bank. But there would but an inconsiderable amount lie thus idle at any time. The money would, in effect, be as useful as if deposited in the State banks themselves. It would be moving in a constant stream into and out of the depositories. The banks might possess themselves of the drafts of Government, which, being drawn on specie in the actual possession of these agents of the Treasurer, in favor of all public creditors, would be held as so much specie. Such drafts, or I am mistaken, would soon be at a premium. There would be no difficulty whatever on that score. The plan would probably require the creation of a few additional officers, I admit, but they would not be many; possibly there might none be needed; but in point of patronage they would be nothing, compared with this fearful connexion between the organized capital of the State banks and the power of the Treasury of the Union. If gentlemen will only aid me by bestowing on the proposition I have submitted a small share of the labor and thought applied to carry into effect the State bank system, if they will turn their minds earnestly to perfecting its details, they will find imagined difficulties fade before them. They will soon be convinced that honest and responsible men are to be found in this country, who may safely be intrusted with the custody of the public treasure. The Treasurer, by his drafts, will relieve all difficulties on the subject of exchange; and the entire system of managing the public revenue will be reduced to the simplest and easiest form.

I desire to limit and restrain the executive patronage; I seek to keep it free from the corroding influence of banks and banking. Sir, I desire no longer to have it openly charged upon members of Congress that they have been bought and bribed by a bank. Let the proposed plan of the chairman of the Committee of Ways and Means go into effect, and the day is not far distant when gentlemen will be charged in the selfsame manner with having been bribed by the State banks. When a new war of interest and ambition shall arise, between a renewed effort to make a Bank of the United States and the existing State banks, those who oppose the measure will then be told that they are bribed by the State banks. Sir, the times are portentous; all feel it, all know it to be so. Every body knows that a pervading anxiety agitates the bosoms of the best and wisest patriots of the land; and no man can tell how the drama is to terminate. Let us, then, endeavor at least to purify one source of corruption. Let us cut off at least one arm of dangerous and unnecessary power. We shall have the bond of those who keep our money; and if it is not paid, we will have it paid. Then we shall no longer be calculating here how a million and a half of dollars deficient in the treasury, said to be lost by the default of State banks, can be made to appear but $100,000. You will then have an honest system of custody for the public funds, and one in which the people of the country have a deep interest. Sir, the great body of the people do not understand these banking institutions. They know nothing about them; nothing, sir, nothing, but the happy event of bringing the United States Bank to an end; and the use made of it for political purposes has prevented you from hearing, from one end of this confederacy to the other, one universal cry against the interference of the Executive with the public revenue Sir, the Executive is honest; he is frank and open; he promised to kill the bank, and he has killed it. I rejoice at it, nor did I quit his side in this contest until I thought he had passed the bounds of constitutional warfare, and was inflicting wounds on Liberty herself.

Mr. Speaker, it is the theory of this Government, and it is no less the wish of the people, that the Government shall be wholly dissevered and kept distinct from the religion of the nation. That separation is guarantied in the constitution by an amendment proposed by my native State. It is equally the provision of that instrument that the Government shall be equally separated from the public press. It solemnly enjoins that nothing shall be permitted to silence that trumpet which summons the people to the defence of their liberties. And it will turn out to be no less necessary that the action of this Government shall be separated from all moneyed corporations, organizing the wealth and capital of the country. Sir, we have been placed, by the hand of the Divine Providence, upon a vast and a fertile continent. We enjoy the freest Government under heaven; we have a great, a glorious, confederacy of free States; is it not our sacred duty to guard this fair inheritance against the taint of corruption? Sir, I declare before this body, upon the integrity of my honor, that the effort I have now made is utterly disconnected with all party aims and party feeling. I believe some such expedient indispensable to liberty. And were I authorized to speak, i would say that I do believe the great man whose genius and whose patriotic valor have raised him to the first seat in this Government would himself, being no advocate of banks, prefer such a measure to that proposed in this bill.

I know there are some slight inconveniences attending the plan. But these, whatever they may be, are but dust in the balance in comparison to the dangerous tendency of that now held out to us, and which may one day shake this confederacy to its deepest foundations. The agitation attending the pulling down of the national bank has not subsided to this day; the undulation of the billows will long be visible; nor will banking controversies, for our immense revenues, cease until some efficient substitute shall be provided by Congress.

As to the details of the scheme I have now had the honor to propose to the Congress of the United States, they may be arranged at leisure when once the principle of the scheme is settled. I did not present my proposition as containing a perfect plan; but, if its principle shall be approved of, the subordinate arrangements need be attended with but little difficulty.

Sir, I am fully aware of the desultory and irregular manner in which I have been able to present my thoughts to the House; but they have been conceived, I trust, in purity of purpose, as they have been frankly uttered. Let us not lend our aid to the enactment of laws which go only to swell the already portentous tide of executive power; rather, whilst we restrain ourselves within the limits prescribed by the constitution, let us use our best efforts to curb executive encroachments on our legislative rights, and to provide more effectual safeguards for the liberties of the people.

When Mr. Gordon had finished his remarks,

Mr. SAMUEL McD. MOORE, of Virginia, obtained the floor, against numerous competitors, and offered the following amendment:

Strike out all after the word "that," to the end of the second line of the first section of the bill, and insert these words: The public money shall hereafter be deposited in the following banks, to wit: the Merchants' Bank of Salem, the Bank of New London, &c. [Here insert the names of all the banks now employed as deposite banks.] *Provided,* That the said banks shall be willing to undertake to do and perform the several duties and services, and to conform to the conditions prescribed by this act.

Mr. MOORE said he did not rise for the purpose of troubling the House with a long speech. He had no disposition to do so at so late a period of the session, and still less at so late an hour, when the usual time for adjourning had almost arrived. He had risen to respond to the call made by the honorable gentleman at the head of the Committee of Ways and Means, [Mr. Polk.] That gentleman had expressed the hope that, now it was ascertained that the United States Bank would not be rechartered, all the members of the House would aid in rendering the bill for regulating the deposites of the public money in the State banks as perfect as possible. He had invited gentlemen of all parties to unite in endeavoring to render the bill unexceptionable, by proposing amendments. He (Mr. M.) had risen to act upon the worthy chairman's suggestion, and would propose an amendment which he hoped would meet the approbation of the House, and of the gentleman himself.

Mr. M. said it was well known that he had entertained the opinion that a United States Bank was necessary to enable the Government to carry on its fiscal operations; nor had he changed his opinions on that point; it was obvious, however, that no Bank of the United States would be chartered. The experiment of keeping the public money in the State banks was again to be tried, and he was willing the experiment should be a fair one. He was very willing that it should prove successful, though he was not satisfied it would do so. It would be recollected by the gentleman [Mr. Polk] that he had, even at the last session, after it had been ascertained that no Bank of the United States would be rechartered, expressed a willingness to aid in perfecting the bill, and to vote for it, if it could be so amended as to take from the Secretary of the Treasury the unlimited control which he exercised over the money of the public. He would have offered the amendment, which he would now propose to the bill before the House, to the bill of the last session, which was substantially the same with that under consideration, if he had had an opportunity to do so.

The amendment he had to propose was, to strike out a portion of the first section of the bill; so as to leave a blank in which the names of the banks to be used as public depositories might be inserted. The effect of the amendment, if adopted, (and it was the only one he designed it to have,) would be to divest the Secretary of the Treasury of a power which it was not necessary, and it was therefore improper, that he should exercise. The amendment he proposed was in exact conformity to the recommendation of the President's message at the beginning of the present session, to which he would beg leave to call the attention of the House.

[Here Mr. M. read the following paragraph from the message:

"The power of Congress to direct in what places the Treasurer shall keep the moneys in the treasury, and to impose restrictions upon the executive authority, in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over these institutions; which, being thus freed from executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country."]

If the House would consent to make the bill before it conform to the recommendation he had just read, he would give his vote for its passage. It was perfecly apparent, from the statements made by the chairman who had reported the bill, that the House had in its possession all the information necessary to enable it to make a judicious and safe selection of banks to be used as the depositories of the public money. The gentleman had exhibited a list to the House, of a number of banks, in which he stated the public money was now deposited, and in which he assured the House he had abundant evidence to show that it was perfectly safe, and of the ability of which to render all the services required by the Government he is entirely satisfied. Let the gentleman, then, propose to fill the blank, which would be created if his (Mr. M's) amendment prevailed, with the names of the banks in which the money of the Government is now deposited. Other gentlemen could propose the insertion of the names of other banks if they thought proper. The House would then have it in its power to fill the blank with the names of the banks now used as public depositories, and he had no doubt they would insert them all, unless it would be satisfied that some of them were not safe institutions. They could choose those which were safe, and leave out those, if any, the solvency of which appeared doubtful. It was so obvious that the House could make a safe and proper selection of banks, in which the deposites should be made, that he could not conceive of any well-founded objection which could be urged against the amendment he proposed. If the selection of the deposite banks is left to the Secretary of the Treasury, it would evidently be done as a matter of choice, not of necessity.

The danger of investing the Secretary of the Treasury, or any other officer of the Government, with unlimited power of selecting and changing the deposite banks at his pleasure, was great, obvious, and acknowledged. The President, in the portion of the message just read, warned us of the necessity of guarding against it, and he was gratified to find the bill under consideration had imposed a salutary restriction on the power of the Secretary of the Treasury to change the places of depositing the public money. But it gives, without any necessity for it, and contrary to the recommendation of the President, the power of selecting the deposite banks, in the first instance, to the Secretary of the Treasury. It was a dangerous power; and, without meaning to make any imputation against the present Secretary, he would affirm that this power of selecting the deposite banks might be used for improper purposes now, as readily as at any future time. We were on the eve of an election for the highest officer in the Government, the election of a President of the United States. Let us suppose (said Mr. M.) that that election is to be made, as he believed would be the case, between two candidates, (and he earnestly hoped there would be no other candidates in the field,) the one a man whose motto is "the spoils of the vanquished belong to the victors;" one who regards the patronage of the Government as a fund out of which the person possessing power is to reward the services of those who contributed to his election; one who is the acknowledged head of that party which acts upon the principle that all is fair in politics; and another man, of opposite principles; one whose motto is "honesty is the best policy;" one who maintains that the public patronage is never to be dispensed for any other purpose than that of securing the greatest possible benefit to the people; one who would rather sacrifice his life than purchase a vote for himself by the promise of conferring an office.

If, sir, the contest shall be between two such men as these, and if it shall turn out that the person who is to exercise the power of selecting the deposite banks is the friend of the former, and belongs to the political school in which the doctrine that all is fair in politics is taught, what is to be the effect of giving him the power with which this bill proposes to invest the Secretary of the Treasury? Will it not enable him to command the whole influence of all the banks in the Union, with their host of officers, their bank directors and debtors, in favor of the man whose election he wishes to promote? Will it not enable the Secretary to do, through the instrumentality of the State banks, all that the United States Bank is charged with having done, in influencing and controlling elections among the people?

Mr. M. said he hoped the gentleman from Tennessee [Mr. POLK] would consent to act upon the same principle, and in the same spirit, he had recommended to others to act. He (Mr. M.) had consented to abstain from making any attempt to obtain the passage of a bill, in conformity to his own ideas, as to the most proper mode of disposing of the public deposites, from a knowledge of the fact that such a bill could not become a law of the land, and out of a disposition to pay a proper respect to the views of other branches of the Government. He hoped the gentleman who, from his situation as chairman of a committee, had charge of the bill before the House, would also consent to respect the known feelings and opinions of other branches of the Government, so far at least as to consent to an amendment which may perhaps ensure the passage of the bill; especially when that amendment is in conformity to the recommendation of the Chief Executive Magistrate, and not incompatible with any opinion expressed by the advocates of the bill.

Mr. M. said he felt no disposition to reply to any of the gentleman's [Mr. POLK's] remarks in reference to the alleged misconduct of the Bank of the United States. He should leave the defence of the bank entirely to its friends. He had never undertaken to advocate the cause of that institution. The business before the House was to make the bill for regulating the deposites in the State banks as perfect as possible, and he was disposed to lend all the assistance in his power to accomplish that end.

Mr. **EWING** said he rejoiced that, after having in vain endeavored at the last session of Congress to obtain the floor on the subject-matter of the present bill, he was now able to exercise that privilege. But at that period he should have gone more extensively into the subject than he now intended. Reflection had convinced the people, he believed, that the system contemplated by the provisions of this bill was founded in error; that its action would prove injurious to the great interests of the country, as well as to public liberty itself; and that a very brief examination would prove that many of the arguments by which it was attempted to be sustained on that floor were utterly fallacious. He viewed the system of State banks, thus linked, as unconstitutional; and, were it not so, he viewed the policy of the bill as injurious to the public interest, and indirectly arraigning the Secretary of the Treasury for a deliberate violation of the law. For if (said Mr. E.) the Secretary of the Treasury is justified by any law of the land, in exercising his present discretionary power over the people's money, it is evidently an act of supererogation now to make another law; inasmuch as it would only tend to lessen his responsibility, without materially lessening the discretionary power now exercised, and so far diminish the existing security of the public funds. If the present places of deposite selected by the Secretary of the Treasury be legal and secure, nothing more is required; and if not, this act will only increase the evil. If the great source of our national prosperity and revenue can exist without a uniform currency, founded on the credit and faith of the Union, then all the great statesmen and political economists of this nation who have preceded us were unworthy of the reputation they enjoyed. But can this be so? Where are the evidences by which such an idea can be sustained—evidence that can convince the public? Do the bill and arguments of the chairman of the Committee of Ways and Means [Mr. Polk] afford such evidence? A bill giving the control of power specially granted to Congress by the constitution to executive officers, substituting a local State corporation currency beyond our control, and always subject to depreciation and loss, for a general and uniform currency subject to our control, and at all times equal, if not superior, to gold or silver. This runious change, too, is to be effected, accompanied with a cry that a specie currency is intended! which all know to be impracticable. One corporation monopoly under the control of Congress is a monster, while possibly one hundred issuing paper at will, under the direction of the Secretary of the Treasury, are to be as innocent and harmless as lambs. Why, sir, (said Mr. E.,) when the security and protection provided by the constitution for the regulation of the currency shall be taken from the people and their representatives, and placed in the hands of the Executive, I can see no means by which the gentleman from Tennessee [Mr. Polk] will be able to accomplish his avowed purpose. He says he wishes to limit and define the discretionary power of the President; but is it by usurping that power, and exercising it at his own discretion, which the constitution vests exclusively in Congress, that this is to be effected? Prudence pointed to the period when the charter of the present Bank of the United States would expire, as the proper time to provide that a substitute should go into operation. This fiscal agency should be of such a character as to regulate the currency, facilitate and secure a safe collection and disbursement of the public money, and promote the various interests of the country. That the constitution grants to Congress the powers of effecting these great public interests will not be denied; and that it is proper and necessary to exercise them, it is folly for the Treasury advocates to deny. The President recommended such a currency in his message to the 21st Congress; but he had never seen the sanction of the President for any such plan as that contemplated by the bill. The only State bank plan that the President ever recommended was one of mutual guaranty; but that is known to be utterly impracticable; and whether he then contemplated acquiring the power conferred on the Treasury, by the bill now before us, is a matter of no consequence. Mr. E. did not view the powers vested in Congress by the constitution as transferable to the Treasury or State bank corporations under any nominal guarantee. Still less did he view it expedient to disjoint the interest blended in a general currency, by sanctioning the local and conflicting interests to be created by the plan proposed by the gentleman from Tennessee, [Mr. Polk.] He had now on his table a substitute for the bill, which, when in order, he should offer as an amendment, which carries out in detail the principle embraced in a resolution presented by him at the last session, and referred to the Committee of Ways and Means, but only reported on by implication. He would, however, leave that question to be discussed on its merits, (if time permitted,) and proceed to notice some of the arguments used by the gentleman from Tennessee, [Mr. Polk.]

In order to secure favor to his plan, the gentleman would impress a belief that the great loss of the people's money, formerly sustained when the deposites were made in State banks, was a misapprehension; that, up to the charter of the present bank, there were no losses known, and that the final loss was inconsiderable.

[Mr. Polk here rose and explained. He said, from the creation of the old Bank of the United States up to the establishment of the new, the loss to the Government was very inconsiderable.]

Mr. Ewing proceeded. He was incapable, he said, of doing the gentleman injustice. His explanation did not alter the fact he was about to argue from. He hoped the gentleman would exercise a little patience until he had concluded the argument on this point. The gentleman says the loss to the Government was inconsiderable. Perhaps he supposes that our Government consists of a unit, and as a unit it lost nothing; but he (Mr. E.) considered the three departments of our Government equally omnipotent in their spheres of action, and that the constitution and laws control all. The actual loss of the people's money, during that period, was nearly a million and a half of dollars. But that was only a trifle, compared to the loss sustained by our citizens in their various commercial transactions, and the loss of confidence essential to trade. The loss to trade and to the industry of the States are losses to the whole people; and, as ours is not a Government of party, but a Government of the whole people, all the losses and sacrifices inflicted on them are to be taken into the account. The estimate of these would show an enormous amount; but an accurate estimate is impossible. That no loss was discovered from the falling of the old to the establishment of the present Bank of the United States is accounted for by the fact that no settlement was demanded of them by any fiscal agent of the Government during that period; and their inability to refund the deposites could not be discovered till they were required to make a final settlement. It was then only that their insolvency could become known; and the amount of it, at that period, has been since lessened, and the accounts closed on the books of the Treasury, by compromises for property, which, in some instances, has been sold by the Government for one tenth of what it cost the nation. Such are the facts bearing on the delusive arguments the gentleman presents to influence the decision of the House and the opinions of the people. He desired all to consult better authority.

The ideal loss the gentleman estimates as being sustained by the country through the Bank of the United States, he would leave to be noticed by friends of that institution who were better acquainted with its transactions than he could be. But the loss to the aggregate wealth of the West, in the exchanges of trade under a local bank system; the delay, hazard, and inconvenience, to which the West will be subjected without a general currency of easy transmission; the loss of a bonus to the Treasury by the establishment of the plan he [Mr. Polk] contemplates, together with the uncertainty, trouble, and contention, which it must inevitably generate, are not to be overlooked; nor is the unconstitutional heresy, that the Executive should control the people's money, which (if he can control the Secretary of the Treasury) this bill would confer upon him, to be left out of the estimate of consequences. The present corporate Bank of the United States has been denounced as a monster, and stands at present condemned for interfering in politics; but what will the State corporations become when controlled by those politicians whose avowed creed and motto is to "reward their friends and punish their enemies?" They will certainly be indebted for the benefits they enjoy to the favor of the President—who has certainly too many favors at his disposal already; and, if we could not guard a bank under our own control from political influence, how can we restrain these State institutions from pursuing a similar course when they are entirely beyond our reach? The question is not now whether the bank, the monster, shall rule the country; it is now a question whether the present or any future President shall rule at his own discretion, and change the nature of the powers and restrictions prescribed by the constitution. Let it not be supposed by any (said Mr. E.) that, in the contrast he had drawn between one and one hundred monsters, he was the advocate of the existing bank. He was opposed to the granting of charters to any institutions created for individual gain as fiscal agents of the Government.

The institution he should propose has the constitution only for its charter; will be found conformable to that standard; and can be regulated by the people's representatives from time to time, in any particular, and for the benefit of all. The use of the people's money and the hypothecation of their faith should be solely for their profit and entirely under their control; and the amendment he contemplated would accomplish this desideratum, while it would be entirely free from all constitutional objections. He was aware that Washington and Madison, who signed the first and last bank charters, did not think corporate banking powers unconstitutional, nor as injurious to the rights of the people; but the matter has been again agitated by woful and oppressive experiments; and, although he would yield his assent to those acts brought into being by such men, yet, when a new fiscal agent has to be created, he could never consent to the establishment of any corporate monopoly, unless it be forced upon him as a choice of evils. The gentleman labors to force the necessity of such a choice; he keeps out of view every other experiment but that of the Treasury plan, and the existing corporate powers of the Bank of the United States. The one would lead to the relinquishment of the constitutional power of the people, the other has fallen beneath a long-continued denunciation, as well as from the jealousy of its power. He was not opposed to experiments—they lead to the acquisition of all knowledge—but he would not, after a fair trial, "buy the whistle too dear." The interest of the Union will not allow of it in relation to the currency, more particularly, as some men will not learn from their own experience: and the multitude are not allowed to learn; for their judgment is perverted by the few, who are mainly influenced by special gain.

He acquiesced in a large portion of the argument of the gentleman from Virginia, [Mr. GORDON,] though he could not support his amendment. The subordinate officers of this Government, or any man rewarded with office, merely for party services, should never become the depositories of the people's money with his consent. That experiment would only extend the sinister speculations founded on party bias, already encouraged to a ruinous extent. With this brief exposition of his sentiments, he would await the opportunity to present his amendment, and express his views more at large.

[As soon as Mr. EWING took his seat, Mr. MOORE withdrew the amendment he had offered to the amendment of his colleague then pending, and thereupon Mr. EWING offered a new bill, of twenty-seven sections, as an amendment to that of Mr. GORDON. The CHAIR pronounced the amendment out of order, as it contained a clause making an appropriation to carry the bill into effect, which must pass first through Committee of the Whole. Mr. EWING then modified his amendment by striking out the section containing the appropriation, and thus continued:]

He now rose to remark briefly on the amendment or substitute sent to the table, and to move, before he resumed his seat, to refer it, with the amendment of the gentleman from Virginia, [Mr. GORDON,] and also the bill of the Committee of Ways and Means, to a select committee to consist of one member from each State in the Union. He said that he adopted this course because the subject was one of deep, general, and vital importance to the whole country. Its effects will remain when the passions and parties of the present day shall have passed to the bourn of oblivion; and it should be presented to this House and discussed free of all party predilections. In addition to these considerations, its bearings cannot be fully developed in the House without a great loss of time; and, as a project arising out of the novelty and necessity of the present circumstances, the propriety of the course he contemplated was with him imperative. He said it originated in necessity, the parent of invention. We seldom (said Mr. E.) carry our thoughts beyond this impulse, as the progress of our institutions and the practice under them clearly prove. Having declared his opposition to the granting of charters to individuals, for the purpose of issuing a currency on the credit of the United States, and offered a resolution at the last session covering the same ground which the bill he sent to the table carries out in detail, he had studied to mature a plan in accordance with the supreme law, ensuring stability to the currency of the country, and divested of those objectionable points to which all corporations, whether of State or United States origin, are exposed. The specified powers of Congress, as laid down in the constitution, he contended were sovereign powers; and the prohibitions to the States, in relation to the currency, embraced in that instrument, demand, at the hands of the representatives of the people, some such institution as his amendment contemplated, and forbids the recognition of those established by the States. He would not occupy the time of the House now by reading the constitutional clauses to which he alluded—they were within the knowledge of all; and a uniform currency, to regulate commerce between the States, was so obviously essential to their equality and prosperity, that he would confine himself at present to the examination of some of the arguments he had heard urged against the establishment of any plan for issuing a general currency. The conduct of the present bank, and the abuses alleged against it, are not involved in this question; and the municipal concerns of the States, in their banking corporations, being beyond our control, were, in his view, equally foreign to the subject. He knew that the constitutionality of any national bank or institution for issuing a national currency has been questioned. But this is an exploded doctrine. It is the mode of obtaining, not the object to be obtained, that produces any acquiescence in such opinions; and even those who entertained them here, seeing the executive power accumulating, in the plan of the Committee of Ways and Means, while the great commercial, agricultural, and manufacturing interests of the country are left unprovided for, by the disjointed institutions established by the States, would not surely abandon the exercise of a power vested in Congress by the constitution, to increase the power of another department, which, through the aid of patronage, is already overwhelming. The constitution, as he read it, placed the Treasury, in all its bearings, under the control of Congress. And shall Congress be called upon to place the people's money, under the management of the Executive, in banks whose abuses they can only know through their own voluntary exhibitions? Bills of credit of the States at the present day might form a sort of general currency, but their issue is prohibited by the constitution. Surely they are not authorized to allow corporate associations to do what they are denied the power of doing themselves. He held that the name did not change the character of the issue, and that there is no practical distinction between bills of credit and notes of State corporations. The powers of Congress were granted not for local but for general purposes, and when they are not exercised for the general good, they must be abused. He contended for the power to create a bank; but it must be a bank to benefit the people whose power should be exercised in its creation. He viewed a specie currency impracticable, and operating as a severe tax upon the interior, in their commercial intercourse and exchanges with the seaboard, independent of its delay, hazard, and inconvenience. With equal privileges and equal rights, the people of the interior will not rest satisfied with any description of currency that shall operate as a tax or inconvenience exclusively on them. And between State bank paper, which must depreciate according to distance from the place of issue, and a promised specie currency, known to be impracticable, the certain advantages of the currency afforded by the bill he had offered must be obvious.

That bill, sir, (said Mr. E.,) will increase the capital, enlarge the resources, perform all the functions of a national bank, and afford all the facilities of exchange and transfer which the wants of the people and the Government absolutely require. It is evidently free from all valid constitutional objections; and, under the direction of responsible men, having no peculiar interest in the institution, excepting that which arises from their salaries, it cannot fail to be exempted from all political influence, other than that which may be directly imparted to it by Congress. The equality of rights and privileges under the bill proposed cannot be departed from; and if, from time to time, it should require amendment, no particular individual or party interest can be properly consulted. Indeed, the stock being inalienable in the States, the people will scarcely sanction any sinister changes. It were folly to assert that such an institution would be dangerous to liberty. It will belong to the people, be regulated and governed by them, and neither the Executive nor any other branch of the Government will exercise any permanent or paramount control over it. The good of the many will, by the establishment, be substituted for that of the few; the relative interest of the States cemented, the perpetuity of the Union secured, and an additional safeguard afforded for the equal rights and independence of the people. That the powers directly granted to Congress, to regulate the currency with a view to the general welfare, and the power to make all laws necessary to carry into effect such delegated powers, and all others, vested in the Government of the United States, or any department or officer thereof, are perfectly consistent with the features of my proposed amendment, I hold myself in readiness to demonstrate to the satisfaction of the committee contemplated to be appointed. He was sensible, if the committee be refused, this amendment cannot prevail, inasmuch as his hasty and superficial views will hardly be understood by the House. When he took his seat this morning, he had no suspicion that the subject would be called up to-day; and, unless a decided change of opinion be effected in both branches of the Legislature, (which is hardly to be expected,) a protracted discussion of the measure will operate a wanton waste of time, and have a tendency to defeat much legislation of the utmost importance to the country.

Entertaining these views, he should not have offered this amendment, nor said a word upon the subject, were it not that he stood pledged to his constituents to vindicate their interests, whenever the subject of the currency shall be agitated in Congress. And, on this occasion, he deemed it his duty to urge the proposition submitted by him, under a sincere conviction that their immediate and ultimate prosperity are deeply involved in the question now before the House.

Mr. E. then moved that the bill, with the amendments, be referred to a select committee, to consist of one member from each State of the Union.

Mr. **BOON** demanded the yeas and nays, but withdrew his motion; and the question being put, the commitment was negatived.

Mr. **ROBERTSON** said he had supposed that a bill so deeply interesting to the whole people of the United States as that under consideration would, in the regular course of proceeding, have been committed to a Committee of the Whole on the state of the Union. It was with no little surprise he perceived an effort made to carry it to its final passage, without affording to all the fullest opportunity of presenting their views. It was true, the chairman of the Committee of Ways and Means had invited amendments, and more had already been offered than the House would, perhaps, be disposed to digest. Favoring, himself, the principle of that proposed by his colleague, [Mr. Gordon,] so far as it dispensed with the agency of banking corporations, and desirous of seeing that principle imbodied into some practicable plan, he should move a commitment of the bill to the committee which had reported it, with instructions to report a plan to effect that object.

It would be recollected that, at an early period of the session, a gentleman from Georgia [Mr. Gamble] submitted a resolution calling on the Secretary of the Treasury for his opinion of the practicability of dispensing with bank agency; and, subsequently, requiring him to lay before the House the best plan he could devise for that purpose. Nothing could be more fair, more reasonable, than that the House should have been furnished with all the light which could be thrown on this subject by the officer whose situation best enabled him, and whose duty required him, to communicate it. Yet the resolutions had been vehemently opposed. The chairman of the Committee of Ways and Means, as a reason for his opposition, averred that the necessary information was already furnished in a report made by the Secretary of the Treasury. Mr. R. said he had read that document with great attention, but had been unable to find in it any such information. It contained a learned dissertation on political panics—whether designed for political effect, or to aid the House in its deliberations, he would leave it to the House to decide. It gave, too, a full history of the abuses imputed to the Bank of the United States. If the object be to inquire into these, to see how vigorously the Secretary had attacked an enemy already vanquished, you might look to this report. As valiantly as Shakspeare's redoubted hero fought—a full hour by the Shrewsbury clock—with the lifeless body of Hotspur, so long and so valiantly the Secretary contended with the dead monster, and "thrice he slew the slain."

The report, it is true, contains a clear admission that banks are by no means necessary to the Government. But no other plan is proposed, no other alternative presented, than that contained in the bill. Adverting to the contingency of all banks ceasing to exist, or of their refusing to receive and manage the public deposites, the Secretary distinctly asserts the power of the Government to "proceed through personal agencies." "It is admitted," he says, "that it would be at some inconvenience, and some increase of expense, unless remedied in a manner that may be hereafter developed; and would not, in the opinion of this Department, and in the present condition of things, be so eligible a system as the present one. Because banks, though exposed to some dangers and evils, and though not believed to be necessary for the fiscal purposes of any Government, and much less of one in the present happy financial situation of ours, are frankly acknowledged to be, in many respects, a class of agents, economical, convenient, and useful." Granted they are more convenient, less expensive. But much inconvenience, much expense, ought to be encountered, rather than resort to this pernicious agency. Let us, then, have the Secretary's aid in devising such a plan. This was his sole object in submitting the motion to commit, that we might have such a plan, and compare it with the one now proposed. The chairman of the committee, he presumed, was on terms of confidential intercourse with the Secretary; it seemed, indeed, to be regarded by some as indispensable that the chairman of that and other committees should be on a confidential footing with those who presided over the executive departments. When it was recollected what an outcry was raised against all banks, what a horror was expressed against rags, by the friends of the administration, it could not be doubted that the head of the Treasury Department must have maturely reflected on this subject, and could at once present a scheme for effectuating what he had himself declared to be practicable. The chairman could report it without delay. As little delay would be occasioned by taking this course as by pressing the bill, with its various amendments, upon the House, in the mode now pursued.

The chairman of the committee seemed unwilling, however, to consider any other plan. He asserts that the system now proposed is no longer an experiment. If he date the system from the time of the removal of the deposites, sixteen months is too short a period to justify the assertion. It could scarcely be said to have been fairly begun, much less fairly tried. Strange would it have been if the favored banks, with every inducement to sustain their credit, aided by all the influence and power of the Government, political as well as pecuniary, should not have been able, for so brief a space, to keep their heads above water.

The chairman, he feared, had drawn rather too flattering a picture of the local banks. The calculations he had just made, apparently with a view of showing their superior fitness for fiscal purposes, did not seem altogether accurate. It was not necessary to examine them in detail. In alluding to the loss supposed to have been incurred by the Government from its connexion with the Bank of the United States, he had adverted to the occasional smallness of its dividends; but he had forgotten that this was perhaps fully compensated by the largeness of those dividends at other periods. He had forgotten to take into his estimate the great profit the Government might have realized by the sale of its stock; he had forgotten to mention the bonus paid by that bank, and the fact that none such was or could be expected from the State banks. He had forgotten that, throughout the whole period of its existence, we had never lost one dollar of the immense treasures we had deposited in its vaults, nor on account of the depreciation of its notes. Whether we had gained or lost, however, by that connexion, it seemed now unnecessary to examine. That bank was about to expire. It might, indeed, be regarded as dead—never, he trusted, to rise again. The true question was, whether the public money could be safely or properly managed in the mode now proposed.

If we cast our eyes back to the trials already made, we should have little reason to anticipate success. In the lapse of a few years we had lost a sum, now reported as unavailable funds, of upwards of a million of dollars, by using the State banks as fiscal agents, and receiving their notes; this, too, while they were used occasionally only. Adding interest, the sum would amount to somewhere about a million and a half, at the rate (taking the period at which it occurred) of eighty or one hundred thousand dollars per annum. The loss is spoken of in the report as a trivial affair; not more, it seems, than we had sustained from one or two mercantile firms. This was truly consolatory: it was a great consolation to know that there was nothing so bad in one branch of Treasury operations, but that there was something fully as bad in another; and nothing so bad in the Treasury, but that there was something, it was not to be doubted, still worse in the Post Office, or some other Department.

But all danger would be avoided by the provisions of the bill. He would briefly advert to some of these, not being prepared, nor indeed competent, to give them the full examination they deserved. In presenting the objections which occurred to his mind, he declared he had no wish to add to the embarrassment of the Treasury Department; still less to witness the public calamities incident to such embarrassment. He sincerely desired to adopt the best method that could be devised for managing the public funds without connecting the Government with moneyed corporations. If none such should be found practicable, without incurring greater evils than the plan proposed by the bill, he was ready, in good faith, to lend his humble aid in rendering that as guarded and as perfect as possible.

The selected banks, the bill provides, may be required to give collateral security. Will such security be exacted, or can it be obtained? Of forty-four now used by the Government, twenty-seven are employed on what are called "the usual terms." This vague expression is believed to import, not that they have given security, but have engaged to give it when required. The remaining seventeen are used "for deposite and payment only;" and these had neither given security, nor engaged to give it. The Bank of Virginia had been selected as a fiscal agent "on the usual terms;" but the stockholders subsequently rescinded the contract. Security would rarely be demanded unless danger was apprehended; when it should be considered necessary it would be too late to expect it.

There are two parties at least to every contract; but here the Government is to contract with fifty or sixty different corporations; to consult all their directors; their stockholders; the States which created or have an interest in them. The United States, it is understood, as a creditor, claims priority over all others. Will the States, the stockholders, the depositors, interested in any bank, consent to admit a customer who, in case of its inability to meet its engagements, will refuse to participate in the loss, and grasp all that is left.

Who were the parties, besides, he would ask, with whom contracts were to be made? Ephemeral existences, dependent in some instances on the will of the Legislatures creating them; liable to be cut off, prematurely, by legal prosecutions, or by the strong arm of Government; to be withered by the breath of suspicion; to be overthrown by a panic; liable, as the Secretary had forcibly observed, to a thousand accidents by flood and field. Even if permitted to die a natural death, two or three of those employed by the Government must, on an average, expire every year, and new ones be substituted, and new contracts made. Looking to their extinction, the vigilance of the Government must be constantly exerted in making a timely withdrawal of the public deposites; or, if left till the winding up, it may find, instead of its money, a right of action against insolvent debtors.

[Mr. Robertson here gave way at the suggestion of

Mr. Wise, of Virginia, who moved an adjournment; which was carried. When the subject came up next day, Mr. R. continued his remarks, as follows:]

Mr. Robertson observed that he wished to correct a slight inadvertency into which he had fallen. Adverting to the number of banks employed by the Government, he had stated it to be forty-four. It seemed from the report of the Secretary it was but forty-two; and that, of these, sixteen, instead of seventeen, as he had supposed, were used as depositories of the public money, without having given security, or being under obligation to give it.

[Mr. Polk explained—that the banks alluded to had been mostly selected before the removal of the deposites; that they were not used as depositories for large sums, and were used for deposite and payment only.]

Mr. Robertson resumed. The force of the objection is not impaired. The fact could not be denied that, in the cases alluded to, no collateral security had been obtained, nor even an agreement made to give it in future.

There was no limit to the discretionary power the Secretary had exerted, either as regarded the number of banks selected, or the amount deposited in them. This bill, too, expressly authorizes him henceforth to employ as many as he may think proper, provided there be not less than two at each of the principal points of collection. Under these indefinite terms may be included every custom-house (about one hundred) and every land office (about fifty) within the limits of the Union. It may be said that, at many of these, there are no banks. But let it be known that they could be employed as depositories, and they would spring up at every point of collection, ready to receive the public money, and to trade upon it as capital. He was unwilling to leave so vast a power in the discretion of the Secretary.

When we reflect that in the space of ten years we have lost by State banks upwards of a million of dollars; that in that time more than forty banks had stopped payment indebted to the Government, upwards of twenty of them banks selected as depositories; that nearly thirty (seven of them deposite banks) had failed in one year, and all of them during a period of profound peace, what might we not apprehend when the whole treasures of the Government should he constantly deposited in such institutions? Who could calculate the losses that may result from adverse circumstances, from over issues, from panics, more especially from war? an event at this moment considered by many as not improbable.

Among other difficulties that suggest themselves, is it not to be expected that collisions may arise between the selected banks and those excluded from Government patronage? There were already upwards of five hundred banks in the United States, wielding among them a capital of more than $200,000,000. Applications were daily presented from all quarters for an increase of banks and banking capital. Say that fifty or sixty are employed by the Government, will not the excluded banks, seeking to acquire a portion of its enormous patronage, or to protect themselves against it, enter into leagues and schemes to effect those objects? And will not the Government, in its own defence, be compelled to take part between these different sets of rival institutions—to endeavor, by all its power and influence, to sustain the one, and to cripple and control the other? Or must it withdraw its funds, and thus increase the embarrassment, perhaps effect the ruin, of those which had relied upon its power and its funds for protection? May not jealousies also arise, and contests ensue, among the favored banks themselves--complaints that some receive too large, and others too small, a slice of the Government loaf? To adjust these differences, to attend to these multiplied concerns, would indeed be an arduous task.

Again: should the Government require resources beyond its revenue, as in case of war it certainly would, he presumed it would seek for loans on the best terms they could be had. The millions necessary would probably be supplied by the excluded as well as the selected banks; and the incompatible duty may be thrown upon it of sustaining these two classes of rival institutions; the one accommodating it with loans, the other the depositories of its funds. To do this it must find out some new scheme; resembling, perhaps, the patent safety valve system of New York, and keep a locomotive plying from point to point to prevent explosions. Who is to conduct all this complex machinery? A Secretary of the Treasury! the incumbent of an office filled once in four years; perhaps, as he believed had happened, four times in one year. This officer was to become the manager of the new system; the head of what might be called the confederated banks of North America. The duties devolved by this bill upon the Treasury Department could not be well performed but by one whose life had been devoted to the science of banking. They would demand the information and the ability of a Baring or a Rothschild.

To aid the Secretary in the performance of his duties, the bill gives him power to inspect the banks in person, or by an agent. It would indeed be a humiliating spectacle to behold the head of the Treasury Department speeding over this extensive Union, from bank to bank, to overhale their accounts and count their specie. But the thing was obviously impossible. It must be done by agents. How important a trust to be confided to irresponsible individuals! What a door would it not open for stock jobbing, for intrigue, and management! The agent arrives; he visits the bank; he is seen to smile; up goes the price of stock: he frowns; the rumor gets abroad; a run is made upon the bank, and it stops payment!

More than half the whole revenue of the United States, derived from customs, is collected in New York; the residue unequally in the remaining States and Territories. Of the nine millions and upwards of nett revenue collected in New York in 1834, between three and four millions were required for disbursement in that State. The ratio of collections and disbursements necessarily varied in the different States, and must be different in different years. In the State of Virginia, during the same year, (1834,) the collections were $140,161 only; the expenditures $2,260,000, leaving a deficiency of collections to meet expenditures in that State of upwards of two millions. The bill ought to contain a provision for promptly transferring the surplus collected in New York, and other States, to those States where there was a deficiency. As this was conceded on all hands to be a hard-money Government, he hoped it would be transferred in specie; and that the people of the South might fill their purses with that beautiful coin of which they had heard so much and seen so little.

He must not harbor a suspicion that the State of New York, possessed as she was of great natural advantages, would desire more than her just share of the favors or benefits of the Government. The State he had the honor in part to represent repined not at the prosperity of any other. She rejoiced to see the blessings of the Union extensively diffused. She had, with that view, yielded up her vast western territory, and now beheld with pleasure on this floor the Representatives of the free and independent States into which it had been converted, and with which, he trusted, her generosity had laid the foundations of a friendship as durable as time. She wished all to participate in what was the common right of all, and would not believe that any would ask an undue share. The immense treasures of the Government, wherever collected, should be justly expended among the different members of the Union. If the revenues could not be kept down to the amount necessary to meet the proper expenses of the Government, some constitutional method should be devised for making a just disposition of the surplus. That surplus had been estimated, for a series of years to come, at about nine millions. The amount would necessarily depend on the continuance of what was termed the compromise, and the sincerity with which the friends of reform should endeavor to curtail the expenses of the Government. The present party, it would be recollected, had come into power denouncing the wasteful extravagance of Mr. Adams's administration. The charge had greatly contributed to the downfall of that administration. The retrenching party had now been in power six years; and, in that period, the expenses of the Government had been reduced from eleven or twelve down to twenty-two or twenty-three millions per annum. He did not think the extravagance of the general Government ought to be ascribed to the administration; though it was as justly imputable to the present as to the preceding one. The blame rested on Congress, which alone could authorize appropriations of the public money. He hoped the era of retrenchment was at length about to commence. A gentleman from North Carolina [Mr. Speight] had called on the friends of the administration to redeem the pledges they had given. He thought there was no reason to apprehend, with the gentleman from Kentucky, [Mr. Hawes,] that they would not obey the call. The friends of the administration had not been deceived. They had been—he meant no disrespect to the members of the House—generously fed out of the public garner. He trusted the trumpet-call of the gentleman from North Carolina would again be sounded; and he pledged himself to unite with the friends of the administration in every effort to make this Government, what they said it should be, a hard-money Government; and to curtail the wasteful expenditures of the Government till they should even fall below the scale adopted during the extravagant administration of Mr. Adams.

Mr. R. said he was glad to find that the power of regulating the custody of the public money was distinctly conceded to be in Congress; and that the exercise of that power was courted by the Executive. Indeed, he did not understand the President, in his late message, as contending that it ever properly belonged to the Executive. If it truly and constitutionally belonged to the Executive, it could not, even with the consent of the President, be transferred to Congress; for Congress can exercise no executive power. If it be a legislative power, as seems now admitted, Congress alone could ever constitutionally exert it. This is the proper occasion to assert and maintain it; and to provide that the public treasure shall never again be controlled, except by the representatives of the people.

The chairman of the committee tells us this bill gives no power to the Secretary or the President over the public money. This is a mistake. It authorizes the Secretary, during the recess of Congress, to remove the deposites. It is true, it requires him to assign his reasons. So did the former law; yet, with the acknowledgment that the power of regulating the custody of the public money properly belonged to Congress, and with every reason to believe that they would not approve the act, he undertook to remove it. What he had done once he may do again; and it may be thought quite a sufficient reason to justify the act, that such is the will of him whose will is above the law.

Mr. R. said there were many objections to the bill which, in his desultory remarks, he had not noticed. He would, in conclusion, merely advert to the consequences, without meaning to discuss them, which, in a political view, might result from connecting the Government with numerous banking corporations. Would those interested in them dare to assert their political rights? Would they not be cautious, after what had occurred, how they ventured to find fault with executive measures? of being thought inimical to the administration? He dreaded, in this aspect, the operation of the system. We had experienced the advantage of separating the patronage of the Government from religion. He would rejoice to see it in like manner separated from moneyed corporations, and from the political press. The influence of religion, of money, of the press, over the human mind, was too tremendous to be wielded safely by any Government. Let the Government support the church, the banks, the press—the church, the banks, the press, will in turn support the Government in all its abuses. History testified to the truth of the proposition; and he could not but deprecate so dangerous a connexion. He should move, therefore, that the bill, with the proposed amendments, be committed to the Committee of Ways and Means, with instructions to report the best practicable plan of conducting the fiscal concerns of the Government without connecting it with moneyed corporations.

Wednesday, February 11.

WASHINGTON AND BALTIMORE RAILROAD.

Mr. CHINN, from the Committee on the District of Columbia, reported a bill supplemental to an act entitled "An act to authorize the extension, construction, and use, of a lateral branch of the Baltimore and Ohio railroad into and within the District of Columbia," passed December, 1829.

Mr. C., after stating that the bill merely altered, in some unessential particulars, as far as the public were concerned, the act already passed on the subject, moved that the bill be engrossed.

After a few words of explanation from Mr. MERCER,

Mr. PARKER said all he knew about this bill was, that it contained four or five sections. He objected to any further action upon it until he had examined it.

Mr. McKIM was surprised, he said, that any one could for a moment entertain any hostility to this bill. He had no personal interest in its passage. He did not own a dollar in the stock of the company, and he never should, for he did not believe that the stock would ever yield any profit. He was authorized to say, by the president of the company, that, if no difficulty was interposed by the Government, the railroad would be completed on the 4th of July next. Mr. McK. explained the object of the bill, which, he said, proposed a change in the route of the road, which would be highly advantageous to the public.

The company had conferred with the authorities of this District in regard to the new route, and no objection whatever was made to it by them. The road would pass along the Tiber, through ground which was wholly worthless, for any purpose; and the depot was to be on the avenue, somewhere near Gadsby's hotel. The value of the ground was to be assessed, and paid for by the company. Unless the bill was passed, this great public work, on which the mail between this city and Baltimore was to be transported in two hours, must stop. He was surprised at the opposition to the bill manifested by the gentleman from New Jersey.

Mr. PARKER said the gentleman ought not to be surprised that he should object to the hurried passage of a bill which he knew nothing about. He could not possibly be in favor of a bill which he did not understand. He wished to see the bill, and ascertain what it was. There was no probability that the work would be stopped if this bill did not pass this morning. All bills were on the same footing of emergency, and if we broke down the guards against precipitate legislation in regard to one bill, we might with equal propriety do the same thing as to all bills. While he said this, he entertained perfect confidence in the committee from which the bill was reported, but he could not take every measure upon the faith of the recommendation from a committee.

Mr. CHINN said that the public interest was in no way connected with this bill, and he hoped it would not be committed; if it was it would be lost.

Mr. PARKER moved to postpone the further consideration of the bill till Monday; which was agreed to.

PUBLIC MONEYS.

Mr. GAMBLE moved to take up and consider a resolution heretofore offered by him, calling on the Secretary of the Treasury for a plan for the keeping and disbursement of the public moneys without the agency of a bank or banks.

The motion being objected to,

Mr. GAMBLE moved to suspend the rule of the House, in order that he might attain his object; which was negatived.

CONSULAR CERTIFICATES.

Mr. FOSTER, from the Committee on the Judiciary, reported a bill to define and further to provide punishment for the crime of forging or counterfeiting consular and other certificates and attestations; which was read twice; when

Mr. FOSTER moved its engrossment, after explaining that the bill was recommended by the Secretary of State, in consequence of a recent and very ingenious forgery, for which there was no provision in the present law.

After a few words from **Mr. FILLMORE**,

Mr. McKINLEY moved to postpone the further consideration of the bill till Monday; which was agreed to.

JUDICIAL SYSTEM OF THE UNITED STATES.

Mr. FOSTER, from the Committee on the Judiciary, reported the following resolution; which was read:

Resolved, That the Committee on the Judiciary be discharged from the further consideration of that part of the President's message which relates to the extension of the judiciary system of the United States, and of the bill from the House of Representatives to amend the judicial system of the United States, it being manifest that the time to elapse before the constitutional termination of the present Congress is insufficient to mature and pass any law on the subject to which the message and bill refer.

Mr. FOSTER said this resolution was reported by a majority of the committee, and, as he dissented from it, he moved the following amendment to it:

Strike out all after the word "resolved," and insert, "That the Committee on the Judiciary, to whom was referred that part of the President's message which relates to an extension of the judicial system of the United States, be instructed to report a bill by which the benefits of said system may be equally extended to all the States of the Union."

Mr. FOSTER said the committee had reported this resolution for their discharge from the consideration of the subject, on the ground that there was not sufficient time remaining for the House to act on the bill. He submitted that this reason was insufficient, as the committee, he thought, ought to obey the order of the House, and make their report; when it would be for the House to determine whether it would act or not upon the bill. In the next place, he thought the reason insufficient, because, in his opinion, the House had the necessary time for acting on the bill. The measure was not a new one. It was matured and understood, and it had once been thoroughly discussed in the Committee of the Whole. The time had arrived when every one must see that the South and West were as much entitled to the benefits of the circuit court system as the Eastern States. The only question was, whether we should enlarge the present circuits, or establish new ones; and that was a point on which the House could decide in one hour as well as in a year. The bill had been once reported, but could not be taken up, on account of some informality. It was recommitted in order to get rid of this objection, and now the committee refused again to report it. He hoped the committee would not be discharged.

Mr. HARDIN moved to lay the whole subject on the table.

Mr. THOMAS, of Maryland, hoped, he said, that the gentleman would withdraw that motion, and permit the House to take a direct vote on the question whether the subject should be taken up for consideration at this session or not. He had not a word to say on the subject. Every member would judge whether, at this stage of the session, the House had time to take up and consider a bill remodelling the whole judiciary system of the United States.

Mr. HARDIN thought, he said, that an appropriate way to dispose of the subject would be to lay it on the table.

Mr. FOSTER asked whether, if the resolution was laid on the table, the committee, not having been discharged, would not be obliged to report the bill.

The **SPEAKER** replied, that to lay the resolution on the table would be considered as an indication, on the part of the House, that it would not expect the committee to report.

The motion to lay the subject on the table was then withdrawn, at the request of

Mr. GARLAND, who strongly opposed the proposition to discharge the committee. The subject, he said, had been presented to Congress as one demanding its attention in almost every message from the President for several years past; but it had always been postponed in consequence of the press of business. He asked whether it was denied or doubted by any member, whether the new States were entitled to the same privileges with the old States? Why could not the bill be reported? Would the committee be discharged on the presumption that the House would not act on the bill? He hoped the committee would report the bill, in order that it might be ascertained whether the House would refuse to do justice to the new States. Until the House had voted directly against the proposition, he would not believe that they were disposed to withhold from the West and Southwest the benefits of the circuit court system. If the resolution were laid on the table, that would be an indirect mode of expressing the opinion of the House. He hoped the House would not evade the question, but meet it by a direct vote, that it might be seen who were the members who were disposed to exclude the new States from a share in the advantages given by law to the old States.

Mr. McKINLEY felt, he said, as much solicitude as any one on this subject. It had long been before Congress, but he had never seen any disposition manifested to do any thing with it. He saw no hope of bringing the question to a proper result within the few weeks which would intervene between this and the close of the session—the expiration of this Congress. He was far from being satisfied with the bill before the committee; and, if they reported it, it would only take up the time of the House for nothing. He moved to postpone the further consideration of the subject till Tuesday next.

Mr. THOMAS, of Maryland, appealed to the gentleman from Alabama to withdraw that motion, and enable the House to act finally on the subject this morning.

Mr. WATMOUGH moved that the House proceed to the orders of the day; which was agreed to, 122 rising in the affirmative.

Mr. CROCKETT said he must throw himself on the indulgence of the House, to ask, what was no more than justice, that the House would take up a bill reported early in the session—

The **CHAIR** stated that the motion was out of order. By the vote of the House yesterday, all the bills were postponed till the bills embraced in the motion of the gentleman from Tennessee [Mr. Polk] were disposed of.

DEPOSITE BANKS.

The House resumed the consideration of the bill to regulate the public deposites of the United States in certain local banks.

Mr. ROBERTSON continued the argument commenced by him yesterday in opposition to the bill introduced by the Committee of Ways and Means.

[Mr. R's remarks are given entire in yesterday's debate.]

Mr. CAMBRELENG said, it is with great reluctance, Mr. Speaker, that I differ with the gentleman from Virginia [Mr. Robertson] on this question, concurring as I do entirely in his principles, not only in relation to the Bank of the United States, but to the powers of our federal Government. I must, however, be pardoned, sir, for differing with that gentleman, in considering it my duty at this time to adopt some measure limiting executive discretion, and regulating in the best practicable manner, under existing circumstances, the deposite of the public money.

The gentleman from Virginia [Mr. Gordon] has stated that, under this new system, New York has the "lion's share." It is true, sir, we have the lion's share, but not of the profits of your revenue system. Under our old laws, granting long credits, we enjoyed the use of the public money, and some millions of capital were employed for the purposes of trade; but under our modern plan of cash duties and short credits, we have the lion's share of the burden of advancing more than half of the whole of our revenue from imports, before it is possible to collect it from the trade of the country. It would, therefore, be manifestly unjust to withdraw from the banks in New York any portion of the public money faster than it may be required for the service of Government. But were such a measure proposed, would either of the gentlemen from Virginia ever advocate the transfer of our revenues from place to place merely for the uses of trade? Would they ever sanction, in any form, so manifest an abuse of the public money? I am sure they would vote for no such proposition. Gentlemen seem to think that New York is exclusively favored. She desires not, sir, that the public money should remain with her a day after it may be required for public use elsewhere; but, as she is compelled to advance the revenue to Government, she has a just right to expect that it will be withdrawn only for the service of Government, and not for the purpose of furnishing capital to facilitate trade in any quarter of the country.

It has, sir, suited the purposes of the advocates of a Bank of the United States, ever since the commencement of our Government, to represent the collection, safe keeping, distribution, and disbursement, of our national revenues, as a very mysterious and complicated affair. While trade annually collects, deposites, transfers, and disburses, its thousands of millions, it is gravely contended that this Government cannot manage its twenty or thirty millions without the agency of a national bank. Why, sir, if there was not an incorporated bank in the Union, there would be no difficulty whatever in the management of our finances, for other agents equally efficient would occupy their places; and I hope that the time will come when we shall be able to dispense with the agency of all banks, especially those of circulation. I am as little disposed as either of the gentlemen from Virginia to advocate the cause of State banks; but at the present moment there are two reasons for continuing the plan judiciously adopted by the Treasury. The State banks selected are the safest places of deposite for the public money; but the strongest motive which induces me at this time to advocate the system is, that by continuing to collect our revenue through these agents, we can make them instrumental in the great work which has been so successfully commenced, of reform in our currency, by aiding in excluding our small note circulation.

The gentleman from Virginia [Mr. Gordon] has told us that the President has "possessed himself of the whole revenue of the country," and that "our rights and our liberties are in danger." The gentleman surely cannot have forgotten the act of March, 1809, referred to by the Secretary of the Treasury, under which all public moneys in the hands of disbursing officers are directed to be deposited in banks to be "designated for the purpose by the President of the United States;" an act which was not repealed even by the charter of the Bank of the United States, and which stands to this day the law of the land. Under that act, sir, continued for six-and-twenty years, our Presidents were authorized to control, so far as the mere question of deposite was concerned, some five hundred millions, for the use of our army, navy, and for other Government purposes. If there is any thing substantial in this argument about the union of the purse and the sword, or any abuse in the exercise of this control over the public money, the legislative and not the executive branch is responsible to the country for its origin.

[Mr. Gordon disclaimed having said any thing about the union of the purse and the sword.]

I know, sir, the gentleman did not use the words, but it was the inevitable inference from his argument.

But, Mr. Speaker, higher subjects have arisen out of the simple question whether our revenue should be deposited in one or another set of banks—questions of federal power and executive patronage. I had hoped, sir, for the sake of the public tranquillity, that after the violent storms of party through which we have so recently passed—in which our social ties were dissolved and even the strong bonds of friendship and affection broken—I had hoped that ambition would have been satisfied with the sacrifice, and that we should have at least enjoyed a temporary armistice. But it seems the war is to be renewed, and that after our triumphant victory in the general contest throughout the Union, we are to be involved in a guerilla warfare. Sir, let it come when it may, and in what form gentlemen please. We have but one favor to solicit from our antagonists. It is, that whatever may be the character of the war, whether local or general, it may be conducted in a more liberal, generous, and tolerant spirit, than has been exhibited by our public men in the late struggle for political ascendency.

There are also some other preliminaries to be settled. Gentlemen may borrow our name or adopt our principles if they please. I do not now refer to the gentlemen from Virginia, who have always occupied democratic ground, but to their new allies. They must, however, pardon the friends of this administration for protesting against this novel and bold attempt, by an adroit movement, to take from them the ground which they have so long and successfully occupied, and suddenly to convert them into advocates of federal power and executive patronage. We have been denounced, sir, here and elsewhere, even by members of this body, as the supple instruments of the Executive, and as the partisans of power. And it is not a little singular that we have been most loudly condemned by those who have been zealously employed for twenty years in erecting here an enormous fabric of federal power, with all its abuses, corruptions, and patronage. And now sir, these architects of power suddenly turn about and denounce, as vassals of the President, the very men who have been instrumental in laying their great federal work in ruins. The gentleman from Virginia, too, [Mr. Gordon,] tells us that "a majority of the representatives of the people are seen rallying on the side of power." I appeal, sir, to the candor and the justice of that gentleman, who is an old member of this House, whether this is not the first House of Representatives in twenty years containing a majority of republicans faithful to the constitution. The time seems to have arrived, sir, when obedience to the will of our constituents is a proof of vassalage to power, and when to violate our instructions is a constitutional prerogative of the Representative, and a manly evidence of exclusive patriotism and independence!

But the fate of this House, sir, is moderate, when compared with the President's. He is the universal dispenser of patronage--the ambitious absorbent of all power. The gentleman from Virginia [Mr. Gordon] has charged him with executive usurpation. I again appeal, sir, to the candor of that gentleman, whether the whole history of his administration does not, in all its great measures, contradict the charge. When that distinguished man was first elevated to preside over the executive department of our Government, he found the broad banner of federalism--I care not for names, sir—floating over both of our legislative halls; he found every branch of this Government moving on in a harmonious career of usurpation. The President saw his position, between power on the one side, and the welfare of his country on the other. Had he abandoned the cause of those who placed him in that high station, he would have become at once the idol of every advocate of federal power throughout the Union. But, with the fidelity and patriotism of a great and honest man, he formed the bold resolution to grapple with wealth and power. It was under his administration that the great work of reform commenced. With a wise caution, he made his approaches gradually. He was the first President since the war who had the moral courage to encounter the hostility of our manufacturing corporations, by recommending an equalization of our taxes, and the reduction of our revenue to the measure of an economical public expenditure. Alarmed by these executive movements, sustained as they were by the people, the great architects of our restrictive system produced their celebrated compromise bill. Was the President an advocate of executive patronage when he voluntarily rejected this branch of it, and drew upon himself the vindictive hostility of our manufacturing corporations? Was he an advocate of federal power and patronage when he returned to the legislative branch the bill to recharter the Bank of the United States? To that very body from whence it emanated—to that Senate, now presenting itself to the nation as the stern and unyielding adversary of federal power and patronage--to those distinguished gentlemen, who are now most loud in denouncing executive patronage, and who appear to be most alarmed at the extent of it, and most shocked at the abominable abuses and corruptions of Government.

It depended on the President alone to determine whether federal power should continue to rest on this broad foundation, and whether the Executive should be armed with this monstrous engine of corruption and patronage. Had he decided on signing that bill, if he had not gained their support, he would have at least moderated the hostility of all concerned in the fate of that institution--of its thousands of presidents, directors, stockholders, officers, dependants, and customers, throughout the Union. Faithful to the constitution, this bold public servant rejected their petitions and the power proffered by the legislative branch, and drew upon himself a storm of abuse, unparalleled in the history of political warfare.

But again, sir—was the President an advocate of federal power and patronage when he returned bill after bill relating to internal improvements?—when he rejected these propositions of the legislative branch to arm the executive with a power spreading the engineers and the revenues of this Government into every State and every congressional district in the Union? Clothe the Executive with that power, give the President that patronage, and you revolutionize your Government; for he would effectually command a majority of this House. Yet he who has rejected these repeated propositions of both branches of the Legislature is now denounced as the great absorbent of power by the very men who projected this magnificent scheme of federal internal improvements!

The President, sir, has been instrumental in effecting a great reform of the corruptions and abuses of federal legislation. He has restored to trade, so far as this Government is concerned, its natural jurisdiction over banking and manufacturing, and to each community, the construction, regulation, and control, of its internal improvements. He has raised the States from a condition little better than provincial, and elevated our legislation above the concerns of trade, to the higher and more dignified offices of State. He has, in his public course, exhibited an extraordinary spectacle to the world. We have seen under his administration the Executive repeatedly rejecting the temptations of the legislative branch of our Government. Exercising a rare public virtue, and, contrary to the inherent tendency of executive power, he has sternly rejected measures calculated to enlarge his patronage, and to extend the sphere of executive dominion. Contrary to the anticipations of those who framed our constitution, the legislative branch, neglecting its duty, had ceased to be the vigilant sentinel of the Executive. On the other hand, through the firmness and integrity of the President, Congress has been arrested in a wild career of usurpation. He his given us, too, sir, another evidence of his patriotism. It is seldom that we shall see a man of military habits, and of martial character, when transferred to the highest civil station in our land, firmly resisting the encroachments of wealth and power, and rejecting, throughout his administration, a patronage which would have enabled him to rule the nation. We shall not often, sir, see a man of acknowledged martial propensities, steadily adhering to the democratic principles of earlier years, and never abandoning his great purpose of relieving his country from the despotism of a Government corrupted and controlled by avarice and ambition. He stands, sir, on a proud, a "great eminence, where the eyes of mankind are turned to him. He may live long, he may do much; but here is the summit."

It is at the close of this great reform that, from amidst the scattered ruins of federal power, we hear the accents of despair and doleful lamentations about the corruptions and abuses of our federal Government. We are told of the demoralizing effects of patronage; that our experiment is about to fail; that our Government ought not to be and will not be supported in some parts of the country; that our destiny as a free and united prople is almost fulfilled; that the citadel of liberty totters to its base; and that reform or revolution is inevitable! Fortunately for our country, it is not very difficult to discriminate between the inspirations of the prophet and the wailings of ambition. Happily for our Union, the hopes of many generations of distinguished men are destined to perish in our political conflicts, before the time will arrive when the assaults of ambition can shake the strong foundations of our Republic.

I congratulate both the gentlemen from Virginia, Mr. Speaker, that some of our ancient adversaries seem to have abandoned their principles, and that we are all now to become the stern enemies of federal patronage and power; that for once we are to be united in a vigorous attempt to reform the abuses and corruptions of our Government. But, sir, gentlemen must pardon me; this is not merely a question of custom-house officers, pensioners, and postmasters; ambition should have a loftier aim: it should strike at the source of patronage and power, corruption and abuse; at that vicious system of legislation which was corrupting and breaking down the Government of our Union, and is now silently but inevitably revolutionizing every State Government in the land. We must go back, sir, to the origin of our Government fully to comprehend the nature of the evil, before we can understand the remedy. The origin of all our corruptions and abuses will be found in a vicious and corrupt system of legislation, adopted by Congress in 1789. There were among our public men of that day, Mr. Speaker, in reference to affairs of Government, two master minds: the one bold, able, and eloquent; the other profound, comprehensive, and original. These two distinguished men advocated opposite plans of Government. Hamilton adopted the ancient mercantile system of Europe, which had grown up under a monarchy, and was harmonious with despotic institutions. Jefferson was a disciple of a new school: he advocated a more simple and free plan of government, better adapted to develop and increase the resources of a nation, and entirely harmonious with the nature and design of our free institutions. Hamilton's plan was founded on avarice—Jefferson's on patriotism. The tendency of the former system was to universal corruption, dissension, and restriction; of the latter, to universal justice, harmony, and freedom. Habit and education favored the adoption of the ancient system, and to this origin may be ascribed all the vices, corruptions, and abuses, which have since grown up under State and federal legislation. Under this federal Government we persevered in it till it was about producing, what it must in time produce in every country where it is adopted, universal corruption, dissension and restriction. Another generation of such legislation would have destroyed our confederacy. Fortunately for the country, we have, under this administration, checked the vicious course of federal legislation. We have ceased to intermeddle with the concerns of trade in banking and manfacturing; we have given up to each community the construction and control of its roads and canals; and now, sir, relieved from these laborious and officious duties, with which we never had any legitimate or constitutional right to intermeddle, we have leisure to attend to those high offices of State which we have neglected ever since the adoption of the constitution. Instead of employing ourselves, session after session, in making tariffs, banks, roads, and canals, we can now make amends to the country for past negligence, and begin the work which should have been commenced in 1789. We leave our Post Office Department entirely isolated, unconnected with, and irresponsible to, any other Department of the Government; we allow it to collect and disburse its own revenue, without the agency of the Treasury or the authority of appropriation; to enlarge or contract its business and its engagements; we suffer it to grow up, from an insignificant beginning, till its receipts and disbursements amount to millions, and till our post routes have been extended from thousands to millions of miles; we leave the Department for more than forty years wholly unregulated and uncontrolled, and then wonder at abuses and corruptions, which have existed from its origin, and which can be alone ascribed to the negligence of the Legislature. We impose restriction on restriction on our foreign trade; enact hundreds of vexatious and useless commercial regulations, calling for the services of thousands of officers; and the very legislators who framed these absurd laws are now astonished at the result of their own labors, and are the most clamorous against custom-house officers and executive patronage. We abandon the high offices of State to manage the affairs of trade, and leave our land and Indian concerns to take care of themselves, and then are surprised that abuses should exist in these departments. Such, sir, are some of the consequences of acting upon what may be termed, on this side of the Atlantic, the Hamiltonian plan of government. We have done much to reform the abuses and corruptions flowing from it under federal legislation, but we have still more to do. Half of our absurd and useless commercial regulations should be repealed—the Post Office, Land Office, and Indian bureau, nay, every department of our Government, require investigation and organization.

But, sir, the reform must not stop with an inquiry into the corruptions and abuses of federal legislation. Our State Governments, some at least, if not all, have outstripped even this Government in a rapid career of vicious and corrupt legislation. We have spread over the country thousands of corporations in every branch of trade, and erected Government companies to disturb and rival the ancient and natural establishments of frugality and enterprise. We have introduced a spirit of gambling into every branch of trade, by giving these companies a credit not founded upon capital, but law, and have granted our chartered adventurers the privilege of bankruptcy without holding their property responsible to their honest, and, in some instances, ruined creditors. We have gone on from one absurdity to another, creating offices and salaries for the dependant relatives of the capitalists, till we have at last ascertained that the whale trade cannot be conducted without Government aid, and an act of incorporation! After having prosecuted this bold trade for more than a hundred years, with a courage and enterprise justly commanding the admiration and the wonder of the world, our wise legislators of this Hamiltonian school have at last discovered that Government whaling companies are absolutely necessary to enable us to conduct this branch of trade with economy and success. We have travelled through the whole circle of industry, and have given a political power to corporations, which, if this spirit be not arrested, will control every State Government, introduce gambling into every branch of trade, and pauperism into every county in the Union.

The credit of the State, too, is resorted to on every occasion, and for all purposes. Following our vicious example, the States have become stock-jobbers, money-brokers, and dealers in exchange. In some, they have made themselves partners in banking institutions of their own creation. In other States the banks are founded on borrowed capital, for which the credit of the State is pledged. Louisiana has recently become an endorser for two banks to the amount of seventeen millions—and even one of our Territories has followed this vicious example. We may soon expect to hear of Florida bonds on the royal exchange. The credit of the State should be sacred. It should never be used but for great public purposes, or in the emergencies of war. Legitimate commercial credit—that credit which is sound, because legislation has no agency in its creation, never would appeal to Government for its aid at any crisis. But in England and in this country we have authorized a species of bank credit, which cannot sustain itself in periods of alarm without producing universal distress; and Governments have been compelled to interpose, to save the country from mischiefs of legislative origin. Abolish your Government bank credits, and trade would never appeal to you for aid. The credit of the State would then be used, as it ought to be, only for the purposes of the State.

But, Mr. Speaker, the greatest and most alarming abuse now existing in this country is the incorporation of near 600 banks of circulation, with an aggregate capital of more then two hundred millions of dollars. It is to this point reform should be mainly directed; for until this legislative abuse is corrected, there can be no effective and permanent reform of the currency of this country. Banks of deposite, discount, transfer, and exchange, savings banks, and trust companies, are useful institutions for facilitating the operations of trade, giving velocity to the circulation of commercial credits, and securing the accumulations of labor and wealth. But these institutions are the natural creations of trade, and would have grown up in this age of commercial improvement in every civilized country, without the aid of Government, and through voluntary associations of capital, had not bankers been taught, by a vicious system, the habit of dependence upon Legislatures—had they not profited by the folly and injustice of Government, which granted to them the use and profits of a circulation, founded on law and on the authority of Government, at the expense of sound private credit, and the credit and currency of the State.

These banks of circulation are the offspring of law, and not of trade; and, like every legislative interference with the business of men, they produce incalculable mischief. Happy would it be for the country if the evil could be remedied by the suppression of small notes. This measure, so far as it may tend to diminish the quantity of circulation and to substitute a better currency, is advantageous; but if we stop there, we still leave the country exposed to the great calamities flowing from this abuse of legislation. We perpetuate, in another form, a vicious species of credit, to contend with and to impair sound commercial credit—a currency which can neither be regulated by Government nor controlled by the laws of trade, and a legislative standard of value which conflicts with the standard of the world.

Trade, sir, is destined to suffer at all times, and in all countries, from an inherent and universal tendency to speculation. Modern ingenuity has contrived a variety of commercial credits, which undoubtedly accelerate the circulation of national wealth but unfortunately increase disasters resulting from over-trading. Government, yielding to the selfish representations of avarice, has interposed its authority, and has rendered this existing and permanent evil truly calamitous, by aiding in the circulation of a credit which trade, if left to itself, would never tolerate. On what basis, sir, does this Government bank credit rest? Departing from every rule established by trade for regulating and sustaining private credit, our Legislatures have incorporated banking institutions throughout the country, and, in most cases, have authorized them to loan their whole capital, and to issue twice that amount, and in some instances more, in notes payable in specie on demand. What capitalist, sir, whether possessing one hundred thousand or ten millions of dollars, who traded on such principles, could ever keep his notes in circulation, whether promising to pay specie or not? The public could have no confidence in an adventurer whose speculative spirit would tempt him to risk suspending payment, whenever commercial confidence should be impaired, from any cause whatever. Such is the solid foundation of that credit which is patronised by the State. Government can do what trade finds impracticable: it can give currency to a species of credit which, without the aid of its authority, would never be entitled to public confidence. It gives circulation all over the Union to the notes of hundreds of small banks in the interior, trading in some instances to the full extent of legislative liberality. When we see those institutions spread over the land, founded upon a basis so speculative and absurd, forcing by every possible means their notes into circulation, promising impossibilities, can we be surprised at panics, and commercial alarms, and embarrassments? If every bank in the Union could avail itself of this generous legislation, we should have some hundreds of millions of circulation, attended with annual and universal bankruptcy. We are happily saved from such a calamity by the salutary power of the laws of trade, which counteract the folly of legislation. But the power of trade is limited; it cannot control the circulations of the small banks in the interior, and it is that paper with which this country is destined to be flooded, if this monstrous abuse of legislation be not corrected. It is time, sir, for our capitalists on the Atlantic and Gulf of Mexico to reflect whether it would not be best to part with their share of this legislative patronage, and to give their aid in saving the country from the disasters incident to such a currency. It is worthy of the inquiry of every State Legislature in the Union, whether the evils resulting from a bank note circulation do not greatly overbalance all its convenience as a currency. But if, sir, this currency is to be perpetuated in defiance of our constitution—if we mean to persist in a course of legislation as vicious as it is unjust—we owe it to the country, at least, to protect trade and labor from the effects of this abominable legislative abuse. If we will have Government banks, we ought certainly to require that they should never abandon the prudent rules of trade. We must either limit their dividends, or restrict their circulation to one fourth, or at most one third the amount of their capital. Without these restrictions, no matter what examinations, what guards, or what proportion of specie may be required, trade is destined for ever to suffer from panics and alarms of legislative origin; and a suffering community will contribute an annuity of millions to those who are authorized to abuse the credit of the State—to the very authors of their embarrassments.

What reform, sir, of the currency can we accomplish while we have four-and-twenty Legislatures, besides our Territorial Councils, authorizing their banks to issue some three or four hundred millions of notes redeemable in specie, when every bank charter in the Union is essentially an act to prohibit the importation of specie into the United States? This contest between our constitution and State legislation, between a metallic and a paper currency, ought not to be, and will not be, tolerated by the democracy of this Union, who are resolved to carry out the principles of this administration, and firmly to adhere to the constitution of their country. It is unworthy the dignity of legislation to recognise the quibbling distinction between bank notes and bills of credit. The former are essentially bills of credit, issued under authority of the State, and bills of the most mischievous character. If we do not abandon this legislative abuse, we may surrender all hope of reforming the currency.

The great experiment, Mr. Speaker, attempted in this country, and on the other side of the Atlantic, to substitute paper for that ancient standard which has been adopted by the world, and has continued to measure the value of property for thousands of years, will be found, in the end, as visionary in principle as it is disastrous to nations. No nation can establish its own independent paper standard, without subjecting property to the fluctuations not only of its foreign trade, but to the vicissitudes of internal banking. The former regulating the quantity of the world's standard, the latter of your own, you have, in spite of all your contrivances, two standards, which are perpetually coming in conflict. When we succeed temporarily, as we sometimes do under this system, in banishing our metallic currency, we part with the only salutary regulator which trade has to correct excessive speculation. When we have a specie circularion, over-trading sends it abroad, speculation is soon checked, and it returns with the ebb of trade. The operation of a paper circulation is directly the reverse. Instead of diminishing, paper increases with over-trading; banks and trade mutually stimulate each other to excess; they continue on in a wild career, till an enormous expansion of credits of all kinds raises the value of the whole property of the nation far above the standard of the world; then it is that your paper standard suddenly fails in its legislative office, and property violently falls even below the standard of the world. The interior portions of a country may escape some of the violence of the shock; but where your legislation comes in contact with the world's law—where paper encounters specie—there will the shock be felt in all its severity. The experiment making in this country and in England cannot succeed. No legislative contrivance of any one country can conquer the eternal legislation of the globe. And whatever nation may undertake to follow the example of England, and make the experiment, must expect to share her fate; for a bank-note standard, no matter what may be the size of the notes, ceases to act as a measure of value at the point where speculation is suddenly arrested by alarm or panic, and the ancient standard of nations becomes at once the only and triumphant regulator of the value of property. Amidst these convulsive shocks, the capitalist may escape, but the fortunes of trade will be shattered; ruin will spread through the land, and thousands, nay, millions, will be added to the ranks of pauperism. Such is the result of this great experiment to establish an independent standard for the value of property; and such will be the melancholy history of trade in every country where it is the permanent policy of Government to sacrifice the welfare of millions, by granting annuities to privileged bankers, and by authorizing them to circulate and abuse what is essentially the credit of the State.

And what great public considerations are there for inflicting on our country a currency fraught with such calamities? None, sir, but the imaginary creations of those who would govern nations by legislative contrivance. Falsely alarmed at the rapid diminution of the precious metals, Governments have actually employed agents to travel from nation to nation to ascertain the quantity of specie in each country, and to compare the amount in circulation in different ages of the world. It must have relieved their apprehensions to learn that we have only from three to five thousand millions of current coin, and from seven to ten thousand millions of coin, bullion, and plate! Again, sir, the increased trade of the world requires, it is said, a larger quantity of circulation. And are we to be told, in this age of confidence and improvement, when modern ingenuity has multiplied and extended commercial credits in forms which never existed in earlier ages—when the great mass of the transactions of trade throughout the world, whether between nations or in communities, is carried on without the agency of bank notes or the precious metals—when trade is enabled by its own ingenuity almost to dispense with the aid of currency in all its great operations—are we now to be told that the quantity of current coin in the world is not sufficient to supply the wants of commerce? I trust the alarmed advocates of a paper currency will dismiss their apprehensions, when they learn that trade creates its own agent, (circulation,) and that it is constantly employed in supplying itself with all it requires, without any legislative aid.

Our modern statesmen, of this legislative school, have pushed their inquiries so far that you can scarcely take up a report on finance, in any country, without finding its author bewildered amidst the speculations of this absurd system. You will find in almost all of them some grave discussion about exchanges and the quantity of currency necessary for the circulation of the country: questions, sir, with which Governments have no concern; but which belong exclusively to trade. Government regulates the value, trade the quantity, of currency; and would, if left to itself, perform the office better than all your laws. Why, sir, there is appended even to the report of the Secretary of the Treasury upon the question before us, a statistical table of the quantity of circulation (paper and metallic) in each country, according to its population. Why not, sir—for it would have been equally useful and proper—why not append tables of the countless millions of other circulations: of bills of exchange, notes of hand, orders, transfers, bank drafts, checks, letters of credit, and commercial credits in every form? Why not give us the aggregate of these great substitutes of modern invention for currency and bank-note circulations? If Government had any concern at all in the matter, the inquiry is infinitely more important; for, instead of one hundred millions, these circulations, the creations of trade itself, amount in the aggregate to thousands of millions. The financiers of this ancient school, sir, might as well push their inquiries one step further, and require from our merchants statements of the amount of transfers in their legers! There is no inquiry too extravagant for a system founded in absurdity.

But we are told we must submit, sir, because it is impossible for trade to dispense with the use of bank notes. The commercial world moved on without them for some thousands of years, it is true, and even now but a small portion of mankind actually employ them for commercial purposes; and yet the United States cannot dispense with them. But again, we hear of the ruin which would follow if you attempt to withdraw from circulation your Government bank notes! Trade, sir, withdraws, in every year between the seasons of issue and redemption, in every part of this Union, and without the slightest inconvenience to itself, commercial credits—in other words, its notes and other obligations—to an amount infinitely beyond the whole metallic and paper circulation of the country; and yet our banks cannot follow its example, and pay their debts; they cannot withdraw some seventy or eighty millions from an aggregate of commercial credits amounting to thousands of millions, without ruining the country. Sir, if our Legislatures will borrow wisdom from the laws of trade, and our merchants will not permit themselves to be duped, as they were last winter, your Government bank credits may be withdrawn at the same seasons that other commercial credits are cancelled, when the demand for money and credit ceases. And, sir, when the season of activity returns, these circulations, the offspring of trade and not of legislation, will reappear in another and a legitimate form, which will never interfere with the currency of the country. But why, after all, it is asked, should we dispense with a currency so economical, and which saves so much interest upon idle capital annually, which would otherwise be lost to the nation? Sir, of what consequence is it to the nation to secure in perpetuity to our privileged bankers these millions saved? Can any such miserable consideration ever indemnify the country for the countless millions wasted in every revulsion--for the ruin and misery spread over the land?

Mr. Speaker, with great deference to the distinguished but enthusiastic writers in favor of this modern imposture on mankind, I must at least be pardoned for hoping that the day will arrive when the thousands of speeches, essays, reviews, pamphlets, and volumes, which have appeared in favor of this bank-note standard, will be banished from the halls of legislation in every enlightened and free land, to those more appropriate theatres, the humane but melancholy receptacles of broken minds. I hope, sir, the time is not distant when those who are intrusted with the high office of legislation throughout this Union will learn that banking, in all its branches, is exclusively an affair of trade, and that currency is a concern of Government alone; that neither should ever be permitted to interfere with the province of the other, and that each should be rigidly confined to the jurisdiction assigned it by the constitution.

It is, Mr. Speaker, to this paramount abuse of Government that the attention of the American people should now be directed; and while we vigilantly superintend the conduct of our public officers, whether State or federal, let us also examine our own unconstitutional usurpations, and thoroughly expose a legislative abuse, calculated in the end to destroy the morals and prosperity of all, and to revolutionize the character of our people and the nature of our Government.

Sir, if these abuses be persisted in; if corporations are to be multiplied throughout the land; if the credit of the State is to be abused for banking purposes, and the dignity of Government degraded by partnerships in trade; if a perpetual annuity of millions is to be thus indirectly collected for the benefit of banks established under the authority of Government--then may we anticipate, before many generations shall have passed away, the thorough corruption and revolution of every Government in the Union. Perpetuate these legislative abuses, and the time is not distant when your Representatives will volunteer their services to your thousands of powerful corporations, and when avarice will control every Legislature in the land. Whatever controls your laws governs your country. You will be ruled by avarice—that "domineering, paramount evil," to which "there is a natural allegiance and fealty due from all the vassal vices, which acknowledge its superiority and readily militate under its banners." Your Hamiltonian plan of legislation will then exhibit its revolting results: your Government will be founded upon wealth, your people ruled by legislative corruption and despotism.

Thus far, sir, the cause of reform has been triumphant. We have in six years accomplished much; but we have now to encounter a more formidable antagonist, sustained, in a measure, by deep-rooted prejudice, and by the abuses of State legislation. While this great work of reforming our currency and our legislative abuses is not to be accomplished in a day, it is not to be postponed from any false alarms, or from any unfounded apprehension of its impracticability. I have witnessed, sir, in my limited term of public service, many revolutions equally important and less to be anticipated. Who would have believed in 1829 that, in less than six years, reform would have prostrated such powerful antagonists as the Bank of the United States, our manufacturing corporations, and our federal system of internal improvements? What man is there, sir, with the remotest chance of success in the presidential contest, who would dare to avow himself the advocate of these exploded doctrines? Why, sir, in 1829, I had the honor of presenting to this House a measure offering commercial reciprocity to all nations—a measure far better than the one subsequently adopted; for it would have reformed, not only our tariff, but the commercial restrictions of other nations; but when I reported that bill, proposing a reciprocal maximum duty of thirty per cent. on the foreign value, it was instantly and indignantly rejected on its second reading. But, sir, what did we see in the short term of four years from that date? The very same gentlemen, who were so astonished and indignant in 1829, recording their votes for a measure which swept away the whole system from our laws, without the consolation of securing foreign reciprocity! They voted for a measure reducing the duties to a maximum of twenty per cent. on the home value. On this bank question, too, how many of us have repudiated our opinions—how many are there who, two years ago, were the vigorous advocates of some Bank of the United States; who could not imagine it possible to manage our finances without one, and who would now be the last to advocate the incorporation of any such institution? Have we not reason to hope that, in two years more, some of the warmest advocates of our State bank circulation will be satisfied that it is a legislative abuse, and unite with us in demanding its reform?

Nor, Mr. Speaker, are the advocates of reform to be intimidated by the denunciations of distinguished men, whether in the North or in the South. I regret, sir, that a gentleman for whom I have personally always entertained the highest respect, should have denounced the reformers of this country, who constitute, in fact, the great body of the American people, as agrarians. I regret to learn, from a professed advocate of commercial freedom, that "the unbalanced democracy of the Middle and some of the Northern States will pass, by a rapid transition, from anarchy to despotism." That, sir, can never be the fate of the unbalanced democracy, in any portion of this Union, while they enjoy the right of suffrage and universal toleration. But are we to be told in this enlightened age, and that, too, by a distinguished man, that the principles contended for by the democracy of this country are agrarian—leading to anarchy and despotism? The cause, sir, of commercial freedom, internal and external, is the cause of universal freedom, of civil liberty, of natural rights, of morals, of religion, of every thing that sustains a rational, just, and stable Government. It is on these grounds that commercial freedom has been advocated for a century by the most illustrious philanthropists and statesmen on both sides of the Atlantic.

Were Franklin and Jefferson agrarians, sir? Was Adam Smith an agrarian?—that great founder of the system of commercial freedom, who was the first to imbody and explain, for practical use, the theories of earlier writers—the illustrious advocate of that external freedom of trade which, as described by an ancient writer, enables us "to taste the spices of Arabia without feeling the scorching sun that brings them forth; to shine in silks which our hands have never wrought; to drink of vineyards which we never planted; to use the treasures of those mines in which we never digged; to plough the deep and reap the harvest of every country in the world."

The author of the Wealth of Nations was one of those great men of the last century who dared "to assume the responsibility" and to encounter boldly the rapacious and vindictive spirit of avarice. In defiance of its hostility, he published to the world, in the very same year which gave birth to our declaration of independence, a plan of government admirably adapted to the free institutions of our country—the only one that can make us what we then declared ourselves to be—a free, equal, and independent people. The author of that great work perfectly understood the character and power of his adversaries, and anticipated the storm he was about to draw upon himself. "To attempt," he says, "to reduce the army, would be as dangerous as it has now become to attempt to diminish in any respect the monopoly which our manufacturers have obtained against us. This monopoly has so much increased the number of some particular tribes of them, that, like an overgrown standing army, they have become formidable to the Government, and, upon many occasions, intimidate the Legislature. The member of Parliament who supports every proposal for strengthening this monopoly is sure to acquire not only the reputation of understanding trade, but great popularity and influence with an order of men whose numbers and wealth render them of great importance. If he opposes them, on the contrary; and still more, if he has authority enough to be able to thwart them, neither the most acknowledged probity, nor the highest rank, nor the greatest public services, can protect him from the most infamous abuse and detraction, from personal insults, nor, sometimes, from real danger, arising from the insolent outrage of furious and disappointed monopolists." Such was the language of this eminent writer of the last century. How admirably has he described the conduct, position, and fate, of our Chief Magistrate, during the assaults of the last winter, occasioned by the downfall of the bank! Our State Government banks are now in the position which was occupied by the manufacturers of Great Britain in 1776, and our own in 1828: they are struggling to perpetuate laws similar to those which, in the language of Adam Smith, "the clamor of British merchants and manufacturers, in 1776, had extorted from the Legislature for the support of their own absurd and oppressive monopolies."

Was William Pitt an agrarian, sir? I believe he has never been claimed as such on either side of the Atlantic; and yet he ranks among the ablest of the disciples of Adam Smith. He commenced his ministry by waging an unsparing war against a legislative fabric, the work of centuries. He swept this ancient lumber from the statute book, and, in defiance of all the prejudices of his countrymen, and the clamors of the monopolists, he made his commercial treaty with France. In a celebrated speech of his in 1792, on public income and expenditure, at the very time when Hamilton was fastening for ever, as he supposed, this ancient mercantile system upon his country—at that very moment was Pitt disclaiming it altogether, and eulogizing the illustrious author of the Wealth of Nations. He congratulated England on her unparalleled prosperity, on her vast accumulation of capital, which was acting "with a velocity continually accelerated," and which nothing could stop but "some public calamity, or some mistaken and mischievous policy." He disdained to ascribe any portion of the national prosperity to legislative contrivance or interference. He attributed it to "the first and most obvious cause, the natural industry and energy of the country"—to improvement, invention, commercial credit and enterprise; to peace, internal tranquillity; and last, but not least, to that "union of liberty with law, which, by raising a barrier equally firm against the encroachments of power and the violence of popular commotion, affords to property its just security, produces the exertion of genius and labor, the extent and solidity of credit, the circulation and increase of capital, which forms and upholds the national character, and sets in motion all the springs which actuate the great mass of the community through all its various descriptions. The laborious industry of those useful and extensive classes, (who would, he trusted, be in a peculiar degree the object of the consideration of the House,) the peasantry and yeomanry of the country; the skill and ingenuity of the artificer; the experiments and improvements of the wealthy proprietor of land; the bold speculations and successful adventures of the opulent merchant and enterprising manufacturer; these are all to be traced to the same source, and all derive from hence both their encouragement and their reward." Such were the doctrines of Pitt, till revolutionary France declared war against England. Amidst the convulsions of that war he abandoned his principles—undertook to manage and control the concerns of the Bank of England, and, with a rash judgment, brought upon his country calamities which she will never cease to feel till Parliament terminates the war which Great Britain is waging against the currency and standard of the world.

Next in the agrarian ranks stands an illustrious man. Though not perhaps equal to Pitt as a practical statesman, of a superior order of mind; the most profound, original, and eloquent of political philosophers—I mean, sir, that celebrated statesman, Edmund Burke. No writer has denounced the abuses of legislation with greater ability, or more just severity. He disposes of your tariff-mongers with the harsh but well-merited sarcasm, that "a teazing custom-house and a multiplicity of perplexing regulations ever have and ever will appear the masterpiece of finance to men of narrow views." He disclaims this interference of Government with the concerns of men, as unworthy the dignity of statesmen. "The State ought," he says, "to confine itself to what regards the State"—"statesmen who know themselves will, with the dignity which belongs to wisdom, proceed only in this, the superior orb, steadily, vigilantly, severely, courageously; whatever remains will, in a manner, provide for itself. But as they descend from a State to a province, from a province to a parish, and from a parish to a private house, they go on accelerated in their fall." When Government, he says, "will not trust to the activity of avarice in pursuit of its own gains; when it secures public robbery by all the careful jealousy and attention with which it ought to protect property from such violence; the commonwealth, then, is become totally perverted from its purposes: neither God nor man will long endure it; nor will it endure itself." Such were the doctrines of Edmund Burke, the most eloquent and able advocate of natural rights, till, startled by the bloody spectres of the French Revolution, the powers of his great mind gave way; he abandoned the cause of mankind, and, trembling with fear, clung still closer to the throne, as to a rock of safety.

Such, sir, were some of the illustrious men of the last century, who laid the foundation of a great modern reform in Government. The spirit of our age cannot be mistaken—reform or revolution must ultimately be the fate of every enlightened country. There is a tide in the affairs of nations as well as of men, a slow but steady current setting against ancient, vast, and accumulated encroachments of wealth and power. War, calamity, or disunion, may occasionally interrupt it for a time; but it is destined to flow on for ages, till reform shall have corrected the abuses and corruptions of enlightened Governments, secured to men their natural rights, and to nations internal and external tranquillity. In this country we are contending against legislative abuses, privileges, and monopolies, of comparatively recent origin. In England reform has a more formidable antagonist to encounter—the venerable fabric of ages, founded upon a mighty ruin of violated rights. The struggle will be severe, the contest long, the civil revolution may go on in peace, as I trust it will; but let stern and unrelenting power beware of the consequences of too stubborn an adherence to its usurpations; let it not attempt violently to resist the modern spirit of freedom and reform, lest, in a great and tumultuous conflict, as in France, "ancient rights and prescriptive authority" should be swept away in a torrent of blood.

France, too, with her 3,600,000 national guard, and her 32,000,000 of population, cannot long submit to be governed by 160,000 privileged voters. Spain and Portugal are agitated, Germany is in a feverish condition, and unhappy Poland always ripe for revolution. It may be ages before the light of freedom will dawn upon the boor, the Cossac, the Calmuc, or the Tartar—it may never shine upon the benighted followers of oriental prophets--the anticipations of the philanthropist and the statesman may never be realized; but, sir, while the civilized world enjoys the liberty of the press, the right of suffrage, and universal toleration, the hope never will be relinquished, that the time will come when the enlightened nations of Europe and America will enjoy universal harmony, justice, and freedom. While reform moves on, guided by the intelligence of an age illustrious for discovery and improvement, spreading rapidly through the medium of the press from nation to nation, the hope never will be abandoned that, in some future age, the productions of the world will contribute freely to supply the wants of the world; that confederate nations will establish a code of public law founded on the principles of universal justice, and that the civilized world will enjoy, in peaceful and unrestricted intercourse, the countless and immeasurable blessings of free, equal, and just Governments.

When Mr. Cambreleng sat down,

Mr. CLAYTON, of Georgia, rose and said: Mr. Speaker, I have two objects in wishing to address the House upon the question under debate; the first is to justify myself against a calumny, and the other is to defend my vote against inconsistency. I am accused abroad, and, what is worse, at home too, of being bank-bought. This is the charge against every man who dares to exercise the least liberality of sentiment or independence of opinion; and, to use a familiar phrase, if he does not walk the chalks exactly as they are drawn, he is every thing but an honest man. He is accused of bribery, speculation, assassination, corruption, fraud, lying, deceit, and indeed every species of meanness.

Mr. Speaker, if the world believed every thing that is said of public characters in America, they must consider Congress as a den of petty rogues, and the nation as a province of polished pickpockets. Let me, for the amusement of the House, present them with a true picture of their character, as portrayed by the public journals of the country, those faithful registers of all sorts of information, those truthful reflectors of public morals, and not less charitable memorials of private character. And to this end I would ask you to go with me, in your imagination, to Europe, to a large reading-room, for instance, in London. Suppose a large collection of people assembled in that place, and, as is not unfrequently the case, one more bold than the rest calls the attention of the crowd to some interesting extracts from a North American paper, just from the seat of Government of that great Republic, that land of liberty, of equal laws, of pure institutions, and whose glorious traits every 4th of July celebration "rings through the world with loud applause." He reads:

Extract from a fourth of July oration.

"Here, in this land of liberty, the oppressed of all nations, fleeing from the tyranny of the old world, may find an asylum in the purity of our Government, the sanctity of its principles, the patriotism of its statesmen, and a certain protection in the equality of its laws."

A toast on that occasion.

"The American States—confederated upon principles of liberty, justice, and equality, present a sacred refuge to all who shall fly from the force, the follies, and the frauds, of priest-ridden Europe."

The assembly all cry out, "glorious people! Magnanimous nation! Happy Government!" But stop, says the reader, let us see what this is on the other side. He reads:

Extract from the President's letter to one of his Secretaries.

"The deposites must be removed before Congress meets, or the bank will BRIBE enough of the MEMBERS to prevent it."

Extract from the Government press.

"Senators Clay and Webster are the feed lawyers of the bank, and hence their great exertions in its behalf."

From the same.

"Senator Calhoun instigated the ASSASSINATION of the President."

From the same.

"Senator Tipton has valuable lands on the Wabash, and hence he is trying to get an appropriation to improve the navigation of the latter, with a view to improve the value of the former."

Extract from a letter of a Washington correspondent.

"Senator Webster gets a fee of $5,000 to aid in passing a bill to pay off the French claims."

From the same.

"Governor Tazewell, of Virginia, pure and immaculate as he is considered, has received $50,000 from the United States Bank."

From the same.

"Representative A. S. Clayton, who was so violent against the bank, has received an accommodation from that institution, and it has glued his tongue to the roof of his mouth."

Was there ever such a set of cut-throats! cries one. What a Botany Bay set of scoundrels! says another. Nothing better, says a third, could be expected from the descendants of convicts! Oh! the impudent braggarts!

Now, Mr. Speaker, what is the commentary upon all this? Suppose Mrs. Trollope, or Basil Hall, or the Duke of Saxe Weimar, or some of that tribe of lying journalists who are hired to steal reputation just because they have no reputation of their own, had gone home and said these things of an American Congress; what do you imagine the good people of the United States would have thought about it? Would it not have produced a deep sensation throughout the whole land? Would not every American of high and honorable feelings have considered himself grossly scandalized in this malevolent attack upon his country's character? Nations have characters as well as individuals, and it is the sum of individual character that forms a nation's. It is utterly impossible for a community of thieves to make an honest nation; therefore every man's character is identified with the character of his country. When, sir, did any traveller ever, in the worst condition of his bile, say such things of us as our own commonly called well-regulated press? They speak of our manners, customs, and intelligence, in terms of derision, and this excites our indignation in a very high degree; but they say but little about our morals, and nothing against our honesty; and yet, Mr. Speaker, our own press would make the world believe, (and that very world, too, who are looking upon us with a jealous, not to say envious eye, on account of our free principles,) that the great fountainhead of our legislation, which forms the heart and motive power of these great liberal principles, is as corrupt as the most varied infamy can make it. Can any thing more delight foreign nations, differing as they do from us in their forms of government, and trembling under the dread of the influence of enlightened freedom upon their coercive institutions, than to hear that we are likely to sink under the moral distemperature of our system? If they believe our own testimony, they have a right to form that conclusion; and, false as we know it to be, yet we sit here, indifferent as to the consequences of such pestilential slander, tamely acquiescing in every malicious calumny that emanates from the press, or from correspondents in or out of this House; and, what is worse, powerless as we are to suppress the mischief, it meets with no condemnation from the people, whose own country and character are as much affected by it as our own; it arouses no portion of their sensibility, though it strikes the deadliest blow at the whole moral frame of a Government that forms the boast of a periodical festival, and the theme of their perpetual admiration.

Although, Mr. Speaker, I cannot flatter myself to be able to remedy this evil in the general, yet, so far as concerns myself, I can and will denounce the foul obloquy attempted to be cast upon my public and private character; and I ask the indulgence of the House to allow me to do so on the present occasion. It was here I received the attack, and it is here, before I part with you, I wish to repel it. I am fully aware of the indelicacy of trespassing upon the patience of others, while an individual is talking about himself; but generous minds will make all due allowance for the feelings of one who has not only his own, but the reputation of his offspring, to defend against a well-aimed blow, calculated to imbitter his and their future peace. Besides, Mr. Speaker, the House is more interested in this matter than they might at first suppose; for, having lost my character among you, you ought to bear with me while I attempt to retrieve it. I firmly believe I came here an honest man; and if I have lost that reputation, it must be from the truth of the saying that "evil communications corrupt good manners."

I have been charged with having changed my opinions with regard to the bank question, and that such change has been effected by a large accommodation from the bank. I feel confident, with the members of this House of all parties, the refutation of such reckless defamation would be unnecessary; but, Mr. Speaker, there are thousands out of it who might attempt to make other thousands believe it, merely because I had not denied it. I proceed, then, to a history of the transaction which has given rise to this charge. Two years ago, when I came on to take my seat in Congress, I brought on a large sum of money, in Georgia currency, to fulfil a contract for machinery in the city of New York. Upon my arrival here, I found that Georgia money was seven per cent. below par. I immediately sent it back to Augusta, by a friend, to purchase a bill of exchange upon New York. I received information from this friend of its safe delivery to the factor to whom it was sent. From this last individual I could learn nothing, though repeatedly addressed. Thus strongly threatened with a heavy loss, and still more harassed by the consequences it was likely to involve, I awaited the event with unusual anxiety. I was held in this suspense during the whole session of Congress, and finally was informed that my agent had used the money, and had failed. This information I received the day after Congress adjourned. It is impossible, if it were necessary, to describe my feelings at the moment. A large sum of money faithlessly embezzled—an urgent contract to be met in six days, without the means of satisfying it—the loss of a handsome discount for the want of prompt payment—from home, and consequently away from all my resources—among strangers, and compelled by a sick family to remain in Washington—I leave you, sir, and this House, to conceive of my situation. I had sufficient proof at the time what generous minds will do under such an unlooked-for difficulty, and am now fully able to appreciate the difference between an act of disinterested friendship and the envenomed heart of a slanderer.

As soon as I read the letter informing me of my misfortune, I handed it over to some one of the gentlemen with whom I boarded, and mentioned the embarrassing perplexity it occasioned in the failure of my engagement, a matter of almost as much concern as the loss itself. In an instant, and unsolicited, General Robinson, Senator from Indiana, stepped aside to a table, and, knowing the amount I wanted, drew a note for it, payable at the branch of the United States Bank in this place, endorsed it himself, and was immediately and voluntarily succeeded in that kind act by two other Senators and three members of this House, whose names I beg their permission to mention, as well for the generosity of the act as in testimony of my grateful acknowledgments for the favor it conferred. The other Senators were Col. King, of Alabama, and Judge Mangum. The gentlemen of this House were Capt. McIntyre, of Maine, Gen. Hawkins, of North Carolina, and the lamented Judge Bouldin, of Virginia. They presented it to me, remarking that they hoped it would relieve my present embarrassment. In the warmth of feeling which such generous and unexpected kindness inspired, and certainly in violent contrast with such as but a few moments before occupied my mind, I accepted their friendly offer, though it was to borrow money from a bank against which I was, and am still, opposed; not, however, without expressing my apprehension, which has been fully realized, that an uncharitable world would place an improper construction upon the affair. To obviate which, Col. King, with his characteristic generosity, went himself to the bank, fully explained all the circumstances under which the loan was asked, and was wholly instrumental in procuring the accommodation. Thus, then, a loan, sought in consequence of an urgent and unforeseen necessity, created by an unexpected act of perfidy—acquired in the most open manner—upon the best security, six endorsers worth two hundred thousand dollars—from an institution whose business it is to lend money for gain, and made in strict compliance with its rules, has been tortured into a peace offering, designed, as it is said, and so received by me, to silence my opposition to it! Language fails me to express, in a sense of becoming self-respect, the scorn which is due to such heartless illiberality. Every dollar of this loan was paid before it became due, and my endorsers notified of the fact. And, sir, it is the only transaction I ever had with this bank; and will now say, if that bank, or any other, will produce a demand against me, I will agree to pay them off in diamonds, if they prefer that kind of currency to gold and silver. Nay, sir, and I mention the fact in no vain boasting spirit, but to show that I am not under the necessities which usually imply bank accommodations, if any one else can show a just claim against me, I am ready to meet it with the same promptness.

But, Mr. Speaker, there is a view of this matter which, though it may not be necessary, yet it is not improper, to present. Besides the facts which so forcibly, as I humbly conceive, stamp falsehood and confusion upon the calumny, the act charged upon me is without a motive. All human actions have their motive, and, generally speaking, the character of the act is tested by the motive which produces it. I could not have received the money as a bribe, for every dollar of it has been returned. It was only a loan for a short time, and consequently rendered me only a very temporary benefit. Now, if money was my object, I could have gotten a great deal more, and for a much longer time, without interest or repayment, from the bank's competitor. Is it recollected where I stood? What place I occupied? Who possessed in a higher degree than I did the confidence of one who has larger rewards to give than the bank? Rewards of honor as well as money! I stood in the front ranks of opposition to the bank, and greatly ahead of some of those who have got their reward and gone to glory. If I could in my conscience have gone all lengths against the bank, right or wrong, who disputes the fact, since what has taken place, that I might have gotten any thing I pleased? It is no heavy draft upon credulity to say that the road to high preferment was an "uncompromising hostility to the bank," and no man had a better start than I had, for I had opened against it long before I came to Congress, and long before the President himself. But because I could not say the seizure of the public money from the bank, the wresting it from Congress, the proper guardians of the people's money, and placing it under the control of the executive branch of the Government to increase its power and patronage, was right and proper—a proceeding that every real friend of the President, some of the ablest presses that supported him, and most of his confidential advisers, condemned at the time as unwise, unnecessary, unjust, and unjustifiable—behold! I was bank bought, and had changed my opinions.

And, Mr. Speaker, who are they that have accused me of this delinquency? Would you believe it, they are some of the old quondam friends of the bank, who have all at once got their minds enlightened upon the subject, and have now become the warmest enemies of that institution. So much so, they have lately, as members of the Legislature of Georgia, declared the bank a highly dangerous establishment, and given some instructions to their Senators about it, though they would not say it was unconstitutional; a matter of much more concern to the republican party. Some of these very men, and all the party to which they belong, formerly believed this bank was highly useful and necessary, and, as I will show you presently, were very anxious to obtain a branch of it in Georgia, saying it would have "a salutary tendency to keep the local banks within a sound issue of their paper." A celebrated paper in Georgia,* belonging to this party, and known to be their leading paper, reprobated, in the strongest manner, three years ago, my opposition to the bank, said I was no "financier," that I was meddling in business I did not understand; I had better come away, and cease my opposition, for I would find nothing wrong in the institution; that it was constitutional and necessary, and ought to be rechartered. Now, sir, this was the cry of this press and its party, and these are the very people who are now charging me with changing my opinions with regard to the bank. Indeed, I could not incur much blame for inconsistency if I were to confess the fact, especially if I rested my justification on their own change of opinion, for a man cannot well be wrong who keeps himself well balanced on the opposite side of any question these gentry may advocate. But, sir, as to the application for a branch in Georgia, permit me to read you the following letter, dated Milledgeville, Georgia, December 25, 1831:

"The Bank of the United States having lately sent agents to Augusta and Columbus, in Georgia, to understand the benefits that might accrue to that institution in the establishment at each of a branch bank, and also to understand whether such establishments would conflict with public opinion, or be in accordance therewith, we the undersigned, members of the present Legislature of Georgia,† do hereby express our opinions on the subject as aftermentioned, viz:

"That if the Bank of the United States shall come to a decision that it is interesting to establish at either or each [both] of these places a branch of its bank, the measure will advance a majority of the interests of the inhabitants of the circumjacent country within the State of Georgia, as also that of South Carolina on the one side, and that of Alabama on the other. We give two of the reasons in favor of this assertion:

"First, because money borrowers can there procure loans at six per cent. per annum; and, second, because the operations of the Bank of the United States have the salutary tendency to keep the local banks within a sound issue of their paper. And, therefore, if the Bank of the United States decide that the places in question are of sufficient consequence to induce the establishments in question, the sooner, in our opinion, it is done, both for the bank and the country, the better."

I have now done with this branch of my subject, and thank the House for the very indulgent and attentive hearing which they have afforded me on this truly unpleasant topic, and shall proceed to the other part of the question, viz: the reasons for my vote.

In presenting my reasons for voting against the bill on your table, and sustaining the substitute offered by the gentleman from Virginia, [Mr. Gordon,] I shall briefly urge what I have always done against the Bank of the United States, viz: that any concern on the part of the general Government, with banks of any description, is not only unconstitutional, but inexpedient.

I do not intend to argue the constitutional question at large, and what I do say on that subject is wholly intended for those who have always thought with me that the Bank of the United States was unconstitutional, and who have aided in putting it down on that ground. The bill reported by the Committee of Ways and Means designs to substitute State banks for the United States Bank; and I shall attempt to show that whatever renders the latter unconstitutional will apply with equal force to the former.

The friends of the United States Bank have always maintained, and so it was decided by the federal court, that it was an instrument "necessary and proper" to carry into effect certain powers of the constitution. The whole argument is summed up in this remarkable statement, found at the head of Mr. McDuffie's able report:

"The earliest and principal objection urged against the constitutionality of the bank was, that Congress had not the power to create corporations. That Congress has a

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* Yclept the Federal Union.

† Names of the undersigned:

Sowel Woolfolk,*	Representative	from	Muscogee.
Willis P. Baker,*	do.	do.	do.
Wm. Shannon,*	do.	do.	Richmond.
Thos. Glascock,	do.	do.	do.
Charles Carter,	do.	do.	do.
Hugh W. Eator,	Senator	from	Meriwether.
Wm. Everett,	do.	do.	Randolph.
Robert Hatcher,	Representative	from	Wilkinson.
William Towles,	do.	do.	Meriwether.
Jos. Day,	do.	do.	Jones.
John L. Blackburn,	do.	do.	Pike.
Thos. Young,	Representative	from	Irwin.
Thos. Hilliard,	do.	do.	Ware.
John R. Kittles,*	do.	do.	Scriven.
James R. Jones,	do.	do.	Jones.
Daniel Hopkins,	do.	do.	Heard.
B. Exum,	do.	do.	Wilkinson.
Stephen Mayes,	do.	do.	De Kalb.
Thos. W. Murry,	do.	do.	Lincoln.
Hiram Warner,	do.	do.	Crawford.
George Anderson,	do.	do.	De Kalb.
James L. Burks,	do.	do.	Talbot.
Thomas Gilbert,	do.	do.	Houston.
James Pearson,	do.	do.	Twiggs.
Jesse T. Cleveland,	Senator	from	De Kalb.
Jas. Black,	do.	do.	Campbell.
Peter Cone,	do.	do.	Bullock.
Nelson Clayton,	do.	do.	Pulaski.
Jos. J. Singleton,	do.	do.	Jackson.
Christ. Bowen,	do.	do.	Carroll.

It is proper to remark that those names marked thus (*) belonged to the republican party, and of course my remarks do not apply to them, nor do they to any other gentleman who has remained a consistent friend of the bank.

distinct and substantive power to create corporations, without reference to the objects intrusted to its jurisdiction, is a proposition which never has been maintained; but that any one of the powers expressly conferred upon Congress is subject to the limitation, that it shall not be carried into effect by the agency of a corporation, is a proposition which cannot be maintained." Here, then, it is admitted that Congress has no right to create corporations unless they are intended to carry into effect certain expressed powers of the constitution.

We who have opposed the bank contend they have no right to create corporations for any purpose; and if a corporation is nothing more than an instrument to execute certain powers of the constitution which Congress cannot create, it cannot use such an instrument created by any one else. Let us illustrate this idea. Mr. McDuffie laid down the powers which he said the bank was intended to execute. 1. To aid as a fiscal agent in collecting and disbursing the public revenue. 2. To borrow money. 3. To regulate commerce. 4. To coin money and regulate the value thereof; or, in other words, to regulate the currency. These are all the powers a bank can execute.

Now, if we deny that Congress cannot create a bank for these purposes, who can? Can a State do it? No one will contend for this. But it is gravely maintained that, if a State has created a bank for other purposes, Congress may take that bank to do what she cannot create a bank to do herself! If Congress cannot create a bank to execute its powers, it is because, we say, there is no such expressed right to be found in the constitution. Nor is it such an implied power as is "necessary and proper" to carry into effect other powers. The power must be expressed or implied which Congress can use. How is it possible to evade the force of this argument as against State banks. Where is the authority, expressed or implied, to use a State bank for executing those very constitutional powers which a federal bank cannot do? Take, for instance, the power "to collect and disburse the revenue." Congress cannot incorporate a bank to do this; but then it is contended it may take a bank already incorporated by a State for that purpose; and you give as a reason, that a corporation is a person in law which you can employ as you would any other person. And pray are they any thing more than a person in law after you have created them? If there is no other consequence in creating a corporation but making it a person in law, where is the harm of corporations? Is there any difference between your creation of a person in law for your your own purposes, and a person in law created by a State? But, to test this matter still further, if you can execute one power with a State bank, you can another. Will it be contended that you can regulate commerce or the currency with State banks? Remember these are, also, two of the powers which it was said the United States Bank was intended to execute. If you make a distinction between these and the first power mentioned, you give up the question. You must take all or none. If you say that State banks cannot execute these powers, it must be because the constitution confers no such right, and then you virtually admit that, "to collect and disburse the public revenue," is such a power as the constitution does confer, and, if conferred upon a State bank, it is equally so upon any other bank: exactly what has been contended for by the United States Bank. It always maintained that, if there was one single power it could be instrumental in executing, it was a constitutional institution.

But mark the consequences of the reasoning which gives to the federal Government the right to use State corporations for objects which they cannot accomplish by corporations of their own creation. What was gained by withholding the power from the general Government to grant charters, if they can take those granted by States as instruments for the execution of any purpose they may wish? The argument leads to this result: you cannot make Governors, Legislatures, and judges, for the States; but you can take them, after the State has made them, for your use. So far from this being true, it has been determined that you cannot use State courts to carry any of your judicial powers into effect. But what appears to me conclusive upon this subject, if the mere creation of a corporation is all that stands in your way to use them for any purpose you may think proper, and that you can take a bank corporation created to your hand by a State, that you may take any other State corporation for enlarging your powers. You cannot create turnpike, railroad, canal, or manufacturing companies, for the objects of their incorporation, but, after the States have made them, you can take them and go to work. You cannot incorporate colleges and academies for the purposes of education, but, when the States have done it, then you can come in for the use of them to any extent your love of implied powers may prompt. It will not do to say you have a constitutional right "to collect and disburse your revenue," and therefore to use the means necessary and proper to that end. This was the grand argument of the Bank of the United States. If you can use means already provided, you can provide means yourself. But if it be granted that you can use means already provided, to execute one power of the constitution, you can for any other: and recollect you claim the power to effect internal improvements, and to encourage domestic manufactures. Now, where are you to be stopped in the use of all the companies I have just named for these last-mentioned great objects, if you can take banking companies to execute any other power of the constitution? It is impossible to draw a distinction between the two cases, and more fearful and important consequences may flow from this measure than can well be conceived by the most far-reaching forecast.

I come now to the last thing proposed, an inquiry into the expediency of the law; and I lay down this proposition, and boldly affirm that it cannot be contradicted, that, whatever reasoning is used against the expediency of the Uuited States Bank, it will apply with equal force to State banks. I challenge the most acute ingenuity, and defy the rigor of the most discriminating intellect, to frame an argument against a federal bank, upon the ground of expediency, that will not immediately exert a like authority over State institutions.

I presume it is well recollected, for the fact is dignified with a place in the annual message, besides its repetition in numerous other State papers, that the principal charges against the United States Bank are: 1. Too much power. 2. Interfering with elections. 3. Buys up the press; and 4. Corrupts the public morals. Does any one remember any other objections besides these, or such as would naturally classify themselves with these? If not, let us now examine how it is possible for State banks to escape from the operation of these objections? What is meant by too much power? or what is this power? Is it not money? Is not this the great instrument by which banks operate? by which they exercise their immense control over the wants and wishes of society? by which they regulate the value of every thing; and, operating upon the varied interests of men, with an influence as fixed as destiny, and as certain as death, they have a most tremendous power? But is the power confined alone to the United States Bank? Is money less powerful in a State bank than in a federal bank? Is it managed differently? by people of a different character? for different objects? Are five hundred State banks, united in a political league, less able or less inclined to the exercise of power than one bank and its twenty-four branches? No: just as true as was the fact which the dying father exhibited to his children, when he wished to impress them with the virtue of harmony, that one rod was more easily broken than a bundle closely united, so is the truth of the proposition, that there is more power in five hundred than in twenty-five banks.

The interfering with elections, the buying up the press, and the corrupting of the public morals, are merely the effects of the great money power we have just been considering; and I put it to the candor of gentlemen to say whether they are not as likely to follow from the influence of money in one condition as another, especially if its is used in precisely similar situations, employed by similar intelligence, and for exactly similar objects? By the bill on your table, the Government can, and, such is its love of patronage and power, it never rejects an opportunity to increase its dominion, it will draw into its service five hundred State banks. Now, let the imagination range for a moment over the wide-spread field of this active, restless, grasping power; see it managed, politically, by one ambitious mind; view its diversified operations, first upon the people, then through them upon State Legislatures, then through these upon Congress, and through this last upon the legislation of the country; see its effects upon the officers of the Government; upon speculations in the public lands; upon stock-jobbing; upon trade; in fine, running its fibres into every soil it can possibly penetrate, and then say, is there no dread of connecting this vast power with the executive branch of Government? I confess it presents fearful forebodings to my imagination.

You say the United States Bank interfered with elections: grant it; but what could it do in comparison with five hundred State banks connected with the Government? Has any one made a calculation of the immediate political power it brings to the support of the hand that wields it? Bear with me while I present it to your view. Five hundred banks will average, including directors, officers, and agents, twelve persons to a bank; two hundred stockholders, and one thousand debtors in the course of a year, besides other thousands who are constantly seeking to become debtors, which cannot well be taken into the calculation, but over which every one must perceive the banks must exercise the most subduing control. The result of this estimate gives upwards of six hundred thousand persons, and, making a deduction of a sixth for over-estimate and other drawbacks, will leave half a million, with all their friends; and, when added to those who are daily seeking bank favors, it forms altogether one of the most stupendous political fabrics ever reared by the art of man. Joined to the other vast powers of the federal executive, in distributing twenty millions of dollars, and conferring one hundred thousand offices, if some future Chief Magistrate, less virtuous than those who have preceded him, and more ambitious of higher honors, do not succeed in the acquisition of sole and exclusive rule, it will be owing to the singular interposition of Heaven's guardian protection—a protection almost undeserved, by reason of the blind and servile infatuation which urges us in crowds to bend our necks to the yoke.

The substitution of State banks, to perform the business of the federal bank, is a clear admission that we cannot do without banks;* and if hereafter the experiment should fail, it will drive us back to the old institution, and then there will be a complete triumph over the constitution. The friends of that instrument will have lost all they have gained by the present overthrow of the bank. It will be perpetuated upon us for ever, and the constitution will remain a living, crippled memento of the instability of all human institutions. The inexpediency of this measure will be apparent, if we only suppose, which is by no means unreasonable, for like causes produce like effects, that the State banks should act precisely as the United States Bank is said to have done, in subsidizing the press, violating the elective franchise, and corrupting the public morals; what advantage have we gained? And will it not prove that it is only the master, and not the principles, we have exchanged? This view is presented under the idea that the banks continued their opposition against the Government, as did the United States Bank; but if their influence should happen to be turned in its favor, who does not perceive the thing would be ten thousand times worse?

I am in favor of the amendment to the bill, because it is intended to separate the Government from all connexion with the banking system. It provides that all the receipts and expenditures of the Government shall be in hard money; and if the cry which we heard last summer about gold and silver, and all that sort of thing, was not the veriest trickery, to cajole the people for political effect, the friends of hard money ought not to lose a moment in supporting it also. Let us hear no more about hard money if this measure is rejected; and let the community know that the meanest juggling has been used, first to betray and then to destroy them.

Mr. Speaker, I am free to confess that I once believed that State banks could answer the purposes of Government as fiscal agents, and so expressed myself in an elaborate essay against the Bank of the United States. But my opinion was formed entirely on theory, and without the opportunity of testing the argument from any thing like experience or proper information. Since then I have seen and heard much upon that subject. The facts which had been presented to this House, and the able discussions they have undergone, have shed a flood of light upon the subject, and I am constrained to own, that every conclusion, drawn from the testimony and its commentary, not only decides against a further continuance of the Bank of the United States, but renders the same verdict against all banks, of whatever character or description. To confess, repent, and be forgiven, is the creed by which I hope to live and die.

I have now done with the subject, and, sir, I am fully aware of having obtruded upon the House many remarks in relation to myself that bear the aspect of seeming arrogance. I assure the House that no such spirit animates my bosom. I am about to close a long life of public service, in which there has, perhaps, been much to censure and but little to praise. But I can, in great sincerity, say, whatever may have been its errors, they have been—to use a very common but expressive phrase—of the head, and not of the heart. In parting with you, although it may seem to be voluntary, I will not conceal from you the fact that I have every reason to believe I have lost the confidence of my constituents. Whether it is deserved for any thing I have done here, I leave you to judge. It is true I have not been removed from my trust, but it is only because not I did seek its renewal. Men, with whom it has been my pleasure to serve, and whose exalted worth and talents have secured for them an equal reputation with the most distinguished upon this floor, have been put aside after the most faithful services, and such as had acquired for their State the very highest character. I could not have expected to have shared a different fate, because with them I have felt and acted; and our principles of action, to every useful purpose, have been the same. I was, therefore, extremely anxious, under circumstances like these, in retiring, perhaps for ever, into private life, to leave, as a memorial to my children, the pleasing reflection that, if I had done no good for their country, I had done no harm to a reputation, which, in after times, it may be their pride to honor and to imitate.

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*When Mr. Jefferson came into office, he and his friends had said so much against the navy, as a useless drain upon the Treasury, that he was obliged to cut it down, but substituted in its place the gun-boat system, which plainly implied we could not do without a navy. Well, the gun-boat system failed, and the navy was restored. What was the consequence? There is nothing in the whole history of that statesman that so signally derides, and therefore constantly reproaches, his administration, as this unfortunate gun-boat system. Other great men ought to beware how they experiment it too far.

When Mr. Clayton had finished,

Mr. MANN, of New York, rose and said that he had not designed to trouble the House with any remarks upon this subject; and he should not have done so but for some observations which had fallen, in the course of the debate, from the two honorable gentlemen from Virginia [Messrs. Gordon and Robertson] who addressed the House yesterday and to-day, which Mr. M. said he felt himself constrained, as a Representative from New York, to notice. He must, therefore, ask a few moments' indulgence. If, sir, I have not mistaken the scope of their remarks, the honorable gentlemen object to the passage of this bill because about thirteen millions of the revenues of this Government are collected in the State of New York, to be deposited in her State banks, and used in the promotion of her already overgrown commerce; thus operating like a pecuniary tariff in her favor. The gentlemen then go on to speak of that State, which, by courtesy, they denominate the empire, with an army of forty Representatives on this floor, possessing population, facilities, resources, and political power, presenting to the vision of gentlemen ideal dangers to the prosperity and welfare of the other States of this Union; and therefore it is argued that great circumspection should be used here in respect to our national legislation, so as not to increase those advantages and facilities which New York is always so ready to embrace and improve. The inference which it appears to me necessarily follows from the scope of the remarks of the gentlemen, taken altogether, (and I state it as an inference,) is, that the power of New York is not only too great in the Union, but that she will use it for political and improper purposes of self-aggrandizement.

[Here Mr. M. yielded the floor to the gentlemen from Virginia, [Messrs. Gordon and Robertson,] who explained, and said that they had not intended to utter a word disrespectful to the State of New York; that they admired that State, and its rapid progress and improvement; and Mr. Gordon protested against any inferences being drawn by the gentleman from New York [Mr. Mann] which his language did not warrant.]

Mr. Mann resumed, and said that he had not understood the gentlemen as using disrespectful or unparliamentary or uncourteous language towards his State or her Representatives; and he had not misunderstood the scope of their remarks, from which he had drawn the inference which he had stated as necessarily following from their propositions and premises. This inference (said Mr. M.) seems constantly to disturb the imagination of gentlemen in both wings of the Capitol, presenting a vision continually before their eyes, insomuch that, judging by the observations which a seat on this floor for a single session has enabled me to make, I conclude that no question of general or national importance can be considered and discussed here without involving considerations and allusions appertaining to the State of New York, and her career as a member of the confederacy. Her advantages, her institutions, her legislative and political policy, are arrayed and reviewed, censured, and sometimes freely condemned, on this floor. Her public men, charged with the administration of her local and State affairs, have sometimes been attacked with epithets as senseless as they are unjust. Her banking system seems to have the misfortune, with gentlemen, to meet with no favor, except distrust and disapproval.

Sir, if gentlemen who discourse so largely about New York, her laws and institutions, her wealth and commerce, would take the trouble to examine them more closely, and learn more of their nature, extent, and utility, I trust they would find more to merit their commendation, and less to denounce and condemn. I do not know that it is proper to arraign the legislative or local policy of any State of the Union upon this floor; yet I have, perhaps too often, been a silent witness of the exhibition here, and in the other branch of the national Legislature, in respect to the State which, in a very humble part, I have the honor to represent. I have supposed that the States, keeping within the boundaries established by the constitution of the United States, had the power to manage their own affairs in their own way. But if honorable gentlemen are disposed to look into New York, for good or for evil, I will join them in aid of the most scrutinizing examination into her political history, her public policy, laws, and institutions. I would ask their particular attention to her systems and provisions for public education; to her social and moral condition; to her jurisprudence and legislation; to her system of internal improvements; to her proud financial condition; to her banking and monetary system; to her internal resources; to her intelligent, industrious, and enterprising population—in which, at last, they will find the secret of the power, the wealth, and expansive greatness, of New York, apparently so much dreaded. Let me ask gentlemen in what State or country will they find the affairs of a local Government better conducted to secure the ends of good government, the happiness, rights, and liberties, of the people, than are those of New York? Are her finances and resources wasted or perverted to improper objects? I will not here make invidious comparisons, but invite gentlemen, in their own States, to imitate rather than to indulge in unreasonable or unfounded jealousies of the legislation and power of New-York.

But, Mr. Speaker, when has New York used her commercial or political power in the Union for selfish or improper purposes? When has she endangered the Union of these States, or swerved from the political faith and principles which she derived from Virginia through those apostles of political liberty, Washington, Jefferson, Madison, and Monroe? For thirty-two years since the adoption of the constitution, the vaunted "Ancient Dominion" has held the control of the executive and legislative policy of this Government, during all which time New York has stood firmly by her side, advocating her faith and practice under the constitution, without having dreamed of "the alternative" which might permit her to change her course or her principles. Let the history of her action during the late war—pouring out her best blood and treasures upon the altar of the country, while another portion of the Union occupied a position at Hartford more than equivocal, while the very Capitol in which we are assembled was a heap of smoking ruins under the eyes of the "Ancient Dominion"—shield the State of New York from any inferences of a purpose or intention to use her dreaded political power in the confederacy for selfish or improper purposes. Sir, what has been the recent position of New York in the trials to which the strength of our institutions have been subjected? Has she stopped to consider "any alternatives," or has she stood by the constitution and the principles which she derived from the fathers of the "Ancient Dominion," even though the gallant sons of those fathers may have doubted and hesitated as to whether the path of their sires led on to the fountains of patriotism? She has maintained the firm and even tenor of her way through all the vicissitudes and changes which have been going on around her, and she will continue to adhere to the ancient republican faith promulged from Virginia, even though the talented public men of the latter may, in some instances, indulge their fears that such adherence will lead her to a position in the Union which will not permit those who "discourse of Rome to say that her wide walls contain but one man."

Sir, what is the position of New York at present on this floor? Is it equivocal or alternative? Is it in opposition to the constitutional doctrines so long cherished in favor of strict construction? Is it opposed to the rights of the States? When have her Representatives arraigned at this bar the admitted constitutional legislation, the policy or measures, of one of the State Governments of this Union? And when, sir, after having done so, have they then maintained that the State Governments have the power to review and nullify the constitutional measures of the national Government? Sir, the State of New York may present to the views of some honorable gentlemen the political enigma, about which they discourse, but cannot understand; yet, sir, she has never been found to be a political meteor, traversing the abstruse regions and metaphysical mazes of the political firmament. But, Mr. Speaker, the sin of New York is her physical and numerical greatness--her overgrown external commerce and her internal trade, resources, and advantages. Sir, I know not how to reply to the position that my native State is physically too strong already, and that greater dangers are to be apprehended from its increasing strength and multiplying facilities and resources. I cannot regret it; that would be a "treason most foul." I cannot profess its weakness; the facts would not sustain me. I do most sincerely desire its increasing prosperity, and I must be admitted to enjoy this natural desire. New York, sir, has never been the recipient of your bounty. She has never asked at your hands more than strict justice in the distribution of your favors, and has not received even that. Her commercial advantages depend upon the laws of nature, and of these she cannot be deprived by legislation. Transfer your public revenues from the natural aids they afford to her commerce, as the honorable gentleman from Virginia proposes, and you will not materially affect the progress of New York in her commercial career, since she does not rely upon adventitious advantages. She has, however a right to demand at your hands equal and impartial justice. She asks nothing more. While New York is the medium and instrument by which so large a portion of the public revenues are collected, can you, in common and equal justice, deprive her of the advantages which her situation confers? You cannot, and ought not. For many years past those revenues have been under the selfish and odious control of the United States Bank, with interests opposed to those of New York; and has this circumstance arrested the commerce and prosperity of that State? We have, sir, I confess, sometimes inconveniently felt the power of an unseen hand striking at our welfare, but not sufficiently to retard permanently our progress.

Mr. Speaker, allow me to express the hope that we may hereafter be able to discuss and consider the various questions presented here, without drawing into review the local affairs and legislative policy of any of the States of the confederacy, unless it shall be to derive useful lessons to guide us in the path of duty by their example or experience; and let me add the hope that the various amendments proposed to the bill under consideration may be rejected, and the bill passed into a law.

Mr. WILSON, of Virginia, addressed the House in opposition to the motion to commit the bill as made by his colleague, [Mr. Robertson.] He was also opposed to the amendment of Mr. Gordon. Believing that the Bank of the United States would not be rechartered, he was satisfied that it would be necessary to employ the State banks as the fiscal agents of the Government. He was, therefore, in favor of perfecting the present bill; and although he had some doubts on the subject, still he should probably vote for the amendment which had been suggested by another colleague, [Mr. Moore,] to insert the names of the State banks in the bill, so as to leave as little discretion as possible to the Secretary of the Treasury.

Mr. VANCE asked what was now the question before the House? He expressed his wish to offer an amendment, when in order, which proposed a distribution of the revenue among the banks of the different States in proportion to their relative population.

The amendment, by permission, was read, and is as follows:

"Sec. —. *Be it further enacted,* That in all cases where the amount of revenue collected in any State is greater than what would be its due proportion, estimated by a comparison between the whole revenue of the United States collected on imports, and the number of the members of the House of Representatives, it shall be the duty of the Secretary of the Treasury to cause to be credited, at the commencement of each month, by the deposite banks in the districts where such excess shall be collected, to the deposite banks in States where no collections are made, or where no such excess exists, an amount in ratio equal to their representation in the House of Representatives, as aforesaid. And the amount to be deposited shall be charged to the banks in whose favor such deposites are made; and the amount of the sum so charged be forthwith communicated to the Secretary of the Treasury, who shall cause the same to be so regulated and adjusted as to assign to the depositing banks, in the States where a deficiency exists, the just proportion, by the standard aforesaid, to which such States are entitled. And the said depositing banks shall not charge on drafts to individuals or companies, for the moneys thus placed to their credit, to exceed one fourth of one per centum. And it shall be the duty of the Secretary of the Treasury to see that the provisions of this section be carried into effect in good faith, and that he cause to be made out all forms and instructions necessary to accomplish that object."

Mr. HANNEGAN, after adverting to the bills pending before the House, and expressing his extreme reluctance to make the motion, moved the previous question.

The CHAIR having stated the question,

Mr. WILLIAMS moved a call of the House.

The CHAIR stated that, according to a decision of the House at its last session, this motion could not be interposed between a motion for the previous question and a question on its being seconded by the House; and though his own convictions were opposed to the decision, he should, out of respect to the authority of the House, submit to it, and he therefore pronounced the motion for a call to be out of order.

Mr. McKINLEY, thinking with the Speaker, took an appeal to try the question.

Mr. BRIGGS demanded the yeas and nays; which were ordered.

Mr. MERCER sustained the appeal, on the ground that, should it be decided that no call could be permitted till after a vote on the seconding of the previous question, and should the members brought into the

House by the call be opposed to the previous question, and negative it, the debate, however important, must, under the existing rule, stop, and the subject go off until the next day.

Mr. **WILLIAMS** took the same ground, and insisted that the motion for a call was a privileged motion of the highest class, and came in of right.

Mr. **MASON**, of Virginia, took a different view, and contended that the former decision of the House had been correct: because a call for the previous question, until seconded, was an imperfect motion, and not regularly in possession of the House.

Mr. **SUTHERLAND** thought it was of little consequence which way the question was determined; but was in favor of standing by the decision, for consistency's sake.

The House being now full, Mr. **McKINLEY** withdrew his appeal.

Mr. **BRIGGS** renewed it, and demanded the yeas and nays; and they were ordered.

Mr. **WISE** moved an adjournment; but it was negatived.

The motion for a call was now withdrawn.

Mr. **BRIGGS** inquired whether the question of order fell with the withdrawal of the call.

The **CHAIR** replied in the affirmative.

The question then being on the seconding of the previous question, it was negatived: Ayes 96, noes 100.

So the House refused to order the previous question.

The question then being on the motion to recommit the bill with instructions,

Mr. **POLK** demanded the yeas and nays; and they were ordered.

Mr. **BURGES** obtained the floor, and, having commenced a speech, moved that the House adjourn.

Mr. **POLK** asked the yeas and nays on this motion; whereupon

Mr. **BURGES** withdrew it.

Mr. **FILLMORE** now demanded a division of the question; and it was accordingly put, first, simply on recommitment, and decided in the negative: Yeas 91, nays 115.

So the House refused to recommit the bill.

A motion to adjourn was negatived: Yeas 93, nays 102.

The question then recurring on the amendment offered by Mr. Gordon, (proposing to make collectors the custodiers of the revenue, &c.,) and the amendment thereto, moved by Mr. Ewing, (proposing a plan for a currency board, &c.)

The question on the amendment of Mr. Ewing was then taken, by yeas and nays, and decided in the negative.

So the amendment was rejected.

Another motion to adjourn was negatived.

The amendment moved by Mr. Gordon was then decided by yeas and nays, as follows: Yeas 33, nays 161.

Yeas—Messrs. John Q. Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Barber, Beale, Beaty, Campbell, Claiborne, William Clark, Clayton, Amos Davis, Davenport, Deberry, Foster, Gamble, Gholson, Gordon, Griffin, Heath, Letcher, Lewis, Martindale, McComas, Pickens, Robertson, Spangler, Steele, William P. Taylor, Wilde, Williams, Wise—33.

Nays—Messrs. John Adams, William Allen, Ashley, Banks, Barringer, Baylies, Bean, Beaumont, Bell, Binney, Bockee, Boon, Bouldin, Briggs, Brown, Bunch, Burns, Bynum, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Chilton, Chinn, Samuel Clark, Clay, Coffee, Cramer, Crane, Darlington, Day, Denny, Dickerson, Dickinson, Dunlap, Evans, Edward Everett, Ewing, Ferris, Fillmore, Forester, Fowler, William K. Fuller, Fulton, Galbraith, Garland, Gillet, Gilmer, Gorham, Graham, Grayson, Grennell, Joseph Hall, Hiland Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Hard, Hardin, James Harper, Harrison, Hathaway, Hawkins, Henderson, Hiester, Howell, Hubbard, Huntington, Inge, William Jackson, Ebenezer Jackson, Janes, Jarvis, Richard M. Johnson, Noadiah Johnson, Benjamin Jones, Kavanagh, Kilgore, King, Kinnard, Lane, Lansing, Laporte, Luke Lea, Thomas Lee, Lincoln, Love, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Marshall, Mardis, John Y. Mason, Moses Mason, May, McCarty, McIntire, McKay, McKennan, McKim, McKinley, McLene, McVean, Miller, Milligan, Miner, Henry Mitchell, Robert Mitchell, Moore, Morgan, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, Dutee J. Pearce, Phillips, Pierce, Pierson, Pinckney, Plummer, Polk, Pope, Potts, Ramsay, Reed, Reynolds, Schenck, Schley, William B. Shepard, Augustine H. Shepperd, Shinn, Slade, Smith, Speight, Standefer, William Taylor, Francis Thomas, Thomson, Trumbull, Turrill, Tweedy, Vance, Van Houten, Wagener, Ward, Wardwell, Watmough, Webster, Whallon, White, Wilson—161.

So the amendment was rejected.

Mr. **BOON** moved the previous question.

Mr. **FOSTER** and Mr. **MARDIS** remonstrated; but Mr. **BOON** refused to withdraw the motion.

Mr. **BURGES** moved an adjournment; whereupon the yeas and nays were demanded, but refused, and the motion was decided in the affirmative: Ayes 95, noes 86.

So the House adjourned.

Thursday February 12.

BOUNTY LAND.

Mr. **CASEY**, from the Committee on the Public Lands, reported a bill granting a bounty in land to the organized militia men, mounted militia men, and rangers, who defended the frontier during the late war with Great Britain. After the first reading of the bill,

Mr. **WILLIAMS**, of North Carolina, moved that the bill be rejected, (being the form of motion in course, when objection is made to the second reading of a bill.) In support of this motion, he said that the bill was calculated to extend a system which, in his opinion, it was the policy and interest of the United States to check. The class of troops embraced in the bill were regularly employed on a contingent service, at one dollar a day. No bounty was intended to be given to them, and they were not entitled to it any more than the militia. If the bill should pass, Congress would be compelled to extend the same provision to at least one hundred thousand militia.

He believed that the most arduous service performed during the late war was by the militia who were called out to defend the Atlantic border, and, if the bounty was given to any troops, it ought to be given to them. He had not a word to say against the character of the services performed by the rangers; but, if we established the principle of this bill, we should be obliged to grant a similar bounty to the forty of fifty thousand militia called out by the State of Virginia during the war, and to the militia called out by all the rest of the States. For the purpose of checking the delusive expectations to which the bill would give rise, he moved its rejection.

Mr. **CASEY** did not wish, he said, at this time, to go into a discussion of the bill, but merely to say that it had for some time been under consideration in the Committtee on the Public Lands, before which it was brought upon a memorial from the Legislature of Illinois, referred to that committee. He hoped the bill would take the regular course, and be printed, together with the long report accompanying it, which would explain to the House the principles on which the bill rested.

Mr. CLAY thought, he said, that the gentleman from North Carolina was disposed to treat this proposition rather too unceremoniously. There was nothing in it, as it appeared to him, so shocking as to induce the House to reject it without consideration. In the principal view taken by the gentleman he was mistaken. He said the bill would lead to the extension of the bounty to a hundred thousand militia; but there was an essential difference between the ordinary militia and the troops proposed to be provided for in the bill. The militia served only for three months in many instances, and never longer than six months; but the rangers were bound to serve twelve months, and did serve for that time. This was as long as the thirty-ninth regiment of infantry of the regular army had been required to serve. Mr. C. referred to that regiment, because of its having been, perhaps, the only one that did not serve for a longer period. In what did the services of the regular troops differ from those of the class of troops proposed to be provided for in this bill. Had the rangers any advantage in pay over the regular troops? They were bound to furnish their own horses, arms, and accoutrements, and to provide for their own subsistence, and their pay was one dollar per day; but the regular infantry were provided by the Government with arms, clothing, subsistence, &c. He would not pledge himself to vote for the bill, but it was not so palpably monstrous and absurd, on its face, as to render it proper for the House to refuse to consider it. The gentleman said this was a contingent service. In what was it contingent more than any other service? The rangers were called out for the defence of the frontier, and were always either in camp or in action; and they were in as much active service as any troops who served during the war. He hoped the House was not prepared to reject the bill in the manner proposed.

Mr. CHILTON rose, he said, not to detain the House with many remarks on the subject, but to express a hope that claims of so meritorious a character as were those of these troops would be allowed some consideration. He was not disposed to extend the pension system to all who served during the war, but he would be gratified if every individual who was engaged in that war, and who was in such indigent circumstances that he could not procure a quarter section of land to settle and cultivate, should have it given to him by the Government. The bill was not of so explicit a character as he could desire. He could not see how far it was intended to carry the system. When the subject came up ultimately for decision, the House could modify the bill, but he hoped it would now be read twice and committed.

Mr. VINTON was glad, he said, that the member from North Carolina had made this motion. He thought it time for the House to take care of the public land as well as of the other property of the public. This bill embraced not only the rangers, but all the militia who served during the war, without regard to the term of service. A man who has enlisted for fifteen days was entitled under it to the bounty of one hundred and sixty acres. If the rangers knew the terms of service at the time when they enlisted, and if they had been paid according to the terms of their enlistment, upon what ground could they now come to the Government for a bounty in land? You gave your revolutionary soldiers, who served during the whole war, one hundred acres only, and at a time when the land was worth very little in comparison with its present value.

The land we now propose to give was in the midst of flourishing and populous States; whereas, the bounty land given to revolutionary officers and soldiers was in a far distant and unsettled wilderness, and virtually in possession of numerous and formidable Indian tribes. If the bill were suffered to be committed and lie over, we should have petitions from all parts of the country for the extension of its provisions to every class of troops who served during the war. No service, he was sure, was performed during the war harder than that of the Virginia militia called out to defend the seaboard. The service at Norfolk was attended with more danger and hardship from pestilence, not to speak of any other danger, than any service performed by the rangers or other troops. There was no reason why the bounty proposed to be given to the rangers, should not be given also to the militia.

Mr. SPEIGHT regarded this motion of his colleague, he said, as very unfortunate, because it operated to exclude all the morning business properly before the House. He was called on by this motion to vote against a bill, with the details of which he was necessarily unacquainted. While he professed to be as great an advocate for the interests of the old States in the public lands as any one, he felt also for the gallant men who had left their families and their homes for the defence of the country, and he was very willing to make a small donation in land to every individual who braved the hardships of war to protect those who remained quietly at home. He desired that the bill might take the usual course, and asked the yeas and nays on the motion of his colleague.

Mr. CHILTON ALLAN said, whatever were the exact provisions of the bill, the course proposed by the gentleman from North Carolina [Mr. Williams] was very unusual. There were no two members who understood the bill in the same way, and yet it was proposed to reject it without consideration. How much time did the House expend in considering bills in which a single individual only was concerned, and yet it was now proposed to reject, without consideration, a bill embracing a large class of claims. If the bill was not sufficiently precise and distinct, it could be modified so as to be intelligible; and, if it were so fraught with mischief as to be unworthy of the countenance of the House, its rejection, after due consideration, would carry with it more moral influence.

Mr. REYNOLDS said this subject was presented to the House by a memorial from the Legislature of Illinois. If the proposition was entirely destitute of any merit, it ought still to be treated with common respect, as coming from the Legislature of a State.

[Mr. Williams here rose to explain. He said that no course, in regard to any bill, which was in order under the rules of the House, could be supposed to be disrespectful to a proposition or to the source whence it proceeded.]

Mr. REYNOLDS did not intend, he resumed, to impute to the gentleman the design of treating the bill disrespectfully. He contended that both the merits of the proposition and the character of the source from which it came, entitled it to a deliberate consideration by the House. The gentleman from Ohio opposed the bill because the rangers got all they were entitled to under their contract. But how many individuals were every year relieved by the House, who had no claims upon ground of rigid contract? If these men deserved the bounty as much as other troops who had already received it, there was as little impropriety in giving it to them now as there would have been at the time when the contract was made. He trusted that the motion would not be sustained.

Mr. ASHLEY said that he had risen to make some explanations, inasmuch as he believed the services of these troops were not duly appreciated by the House. He believed that no class of troops had done more real service than the rangers, who were enlisted for twelve months, to defend the frontier. They were obliged to purchase their own horses, clothes, arms, and subsistence; and, though their pay was a dollar a day, their compensation could not be considered as greater than that of the regular infantry of the United States. They had not only to subsist their horses, but when they were disabled, they were obliged to procure others, or go on foot. He had had, himself, the honor of a command in this corps, and he had frequently known the men, after losing a horse, to hire or buy another. He had no doubt that their actual expenses were fully equal to all the pay they received. As many of these men were lost in this service as of the regular troops in any other service. He was, therefore, clearly of opinion that they should receive the same bounty that the infantry received, although it was not in the contract, yet it was as proper to give it now as it was in the first instance. He did not altogether approve of the details of the bill, and when it came before the House, he should move some amendments to it.

Mr. EWING said the gentleman from Ohio [Mr. Vinton] was very careful of the public land; and he thought he ought to be equally so of those who guarded and defended the land. He hoped the bill would be suffered to take the ordinary course, and that the men who served in defence of the frontier would be placed on a footing of equality with those who had already been rewarded.

Mr. LINCOLN rose, he said, to offer a few words in explanation of the vote he should give. Though a member of the Committee on Public Lands, he was not aware that the bill was to be reported this morning, and he was not prepared to go into the discussion of its provisions. It provided for a bounty in land to a particular class of troops who served in the last war. These troops were enlisted for twelve months, and it was stipulated that they should have one dollar per day; and the grant of the proposed bounty, in addition to that allowance, would be regarded as warranting the expectation of the same grant to every militia man. The provisions of the bill were enough to comprehend all the militia who served during the war, and applied as well to those who served for one day as to those who served a year. The bill, if passed, would, in his opinion, secure to every militia man, whether he served for a longer or shorter term, one hundred and sixty acres of land. Gentlemen might judge what quantity of the public lands would be required for this purpose. He thought the bill ought to be rejected in its present stage.

[Here Mr. Lincoln's remarks were cut off by the expiration of the hour; and, on motion of Mr. Watmough, the House took up the orders of the day.]

Mr. WATMOUGH asked the House to take up the navy bill, and after modifying it in the manner which had been proposed, to order it to be engrossed for a third reading; but the motion was objected to.

STATE DEPOSITE BANKS.

The House proceeded to the consideration of the bill to regulate the deposite of the public money of the United States in certain local banks; the motion of Mr. Boon for the previous question on the bill still pending, and not ascertained to have been seconded by a majority—

Mr. PATTON moved a call of the House.

The SPEAKER, for reasons which he had before given, decided the motion to be out of order pending this, according to the settled rule of the House; though he was of opinion himself that the decision of the House which had settled the rule was incorrect, and ought to be reversed.

Mr. PATTON appealed from the decision of the Chair.

Mr. BRIGGS called for the yeas and nays on the question, and they were ordered.

The question was then discussed for some time by Messrs. PATTON, MILLER, FOSTER, SPEIGHT, CAGE, SUTHERLAND, MERCER, E. EVERETT, J. Y. MASON, JONES, H. EVERETT, HALL of North Carolina, and HEATH, when the question was put, "Shall the decision of the Chair stand as the judgment of the House?" and decided by yeas and nays, as follows: Yeas 91, nays 113. So the House decided that the decision of the Speaker, declaring a motion for a call of the House not to be in order between the making and the seconding of a call for the previous question, should not stand, and that the motion for a call was in order.

The question being put upon the motion for a call of the House, it was negatived.

The question was then put on seconding the call for the previous question.

Mr. GRAHAM appealed to Mr. Boon to withdraw his motion for the previous question, but he refused.

The question was thereupon put, and decided as follows: Ayes 97, noes 105.

So the motion was not seconded.

The question then recurring on the bill,

Mr. BINNEY addressed the House at large in opposition to the bill; but proposed, in case it must pass, the following amendments:

1st. Requiring the returns of the State banks to be much more minute and extensive.

2d. Requiring the banks to retain specie in their vaults to the amount of one fourth of their circulation and of their public and private deposites.

3. Requiring the banks to pay two per cent. interest on public deposites.

4th. Requiring certain guards on the securities given.

5th. Requiring, if the deposites shall be removed by the Secretary of the Treasury, that he shall render his reasons to Congress; and if the same shall not be approved, the deposites to revert to the bank.

6th. The Secretary of the Treasury to publish monthly the returns from the banks, in two of the papers.

Mr. PATTON said he was in favor of the principle of the bill. At the same time he was willing and determined, so far as it depended on him, that every member of the House should have an opportunity of submitting any amendment which he might deem calculated to perfect the details of the bill; whether these propositions of amendment came from those who were hostile or those who were friendly to its principle. For this purpose he was willing to sit as late every day as was possible, consistent with the physical capacity of members to remain in session, until the bill was finally disposed of by the House; and it was with this view he had that day demanded a call of the House when the previous question was moved, in order to defeat that motion. Mr. P. took it for granted that such amendments only would be proposed as were *bona fide*, and for no indirect and unavowed purpose. It was probable that he would agree to some of the amendments which might be offered by others, and he had it in view to propose one or two himself, which, however, are not of so material a character as to induce him to vote against the bill in case of their failure. Mr. P. proceeded to say that he did not feel so well informed on the principles of the banking system, or the course of trade as connected with the general question of currency, as to enable him now to speak upon the subject of the particular amendments offered by the gentleman from Pennsylvania, [Mr. Binney,] and which doubtless had been offered by him under a full conviction that they were proper and necessary for the perfection of the system of the bill on the principles of its friends. Nor is it my intention, said Mr. P., to enter into any elaborate discussion of the comparative advantages or disadvantages of carrying on the fiscal operations of the Government through the instrumentality of a Bank of the United States, or by the employment of banks chartered by the States. The time for that discussion has gone by. I agree in the opinion just expressed by the gentleman from Pennsylvania, with his usual candor, that the question of the renewal of the charter of the Bank of the United States is settled. That battle has been fought and won. [Mr. Binney here said, in an under tone, "fought and lost."] Ay, sir, fought and lost to the bank, and fought and won to the country. But though it has been thus decided, and is so acknowledged to be by the distinguished gentleman from Pennsylvania, yet I could not listen to the speech just delivered by him, without being struck with the resemblance which existed between the Bank of the United States, the redoubtable champion in the contest, and another champion, whose exploits are recorded in Hudibras, and of whom it is said that,

> "He fighting fell, and falling fought,
> And being down, still laid about."

It was impossible to see that, while it was confessed that the question was settled, the honorable gentleman's argument was mainly intended to show that there could not be any safe reliance upon any means of conducting the financial concerns of the Government, without the aid of a Bank of the United States. This was doubtless the conscientious conviction of that gentleman, and now, as formerly, avowed with his usual frankness, and maintained with his accustomed ability. But why discuss that proposition? It is decided by that tribunal which has jurisdiction to decide it, (the representatives of the people,) and the decision has been sustained, and more than sustained, by the only earthly tribunal to which they are responsible--their constituents, the people themselves. The inquiry now presented, and which must be decided, is, what is to be done now that a Bank of the United States is out of the question? To that I wish to speak; but before I do so, it may be proper to devote a few remarks to some other topics which have been introduced into this debate, and to which I consider it proper that some reply should be made.

Another great battle, Mr. Speaker, (connected with or growing out of this bank struggle,) has been fought--fought and won for us—and fought and lost for our opponents; as to which, some of the combatants seem unwilling to admit that they are beaten. Some gentlemen seem not to be satisfied with the triumphs they have celebrated, and the jubilations they have enjoyed! You of course understand, Mr. Speaker, that I allude to the questions arising and discussed here last winter, upon the removal of the public money from the Bank of the United States. The clamor and outcry then made against the Executive, for having committed flagrant encroachments on the legislative department, it seems to be the desire of some again to revive, and again to bring into discussion.

Imputations upon the independence and integrity of judgment by which this House was governed in its decisions upon these questions, however common, and however much to be expected and little to be regarded elsewhere, it was to be hoped would not have been indulged in here. I do not mean to enter upon the field of argument to vindicate myself, and those who agree with me on those questions, from such imputations. I cannot, however, reconcile it to my own feelings to pass them over in silence, and I will say, that whenever, wheresoever, and by whomsoever, the issue may be made upon the propriety of those decisions of the House, I am ready to meet it. Whenever that glove is thrown down, and the lists are regularly open for the trial of conclusions, I am ready, if an abler and more skilful advocate of the constitution will not do it, to take it up; and, armed with the panoply of truth and reason, without any vain and weak reliance upon my own powers, I do not fear the conflict. I am ready to maintain that the proceedings of the executive department of the Government, in relation to the removal of the deposites, were not encroachments on the legislative department of the Government, or usurpations of power in violation of the limitations of the constitution and the prescriptions of law. I defy any man to show, by any fair reasoning, that those proceedings were in opposition to the principles of civil freedom, or that they placed the public revenues under the control of the Executive in any other form, or to any greater extent, than they have been placed under the uniform interpretation of, and universal practice under, the constitution and laws, from 1789 to the 1st day of October, 1833; and that any intimations that the decisions of this House on these questions justify the reflection that the representatives of the people are prostrated at the feet of the Executive by the influence of the power and patronage of the Government, is wholly unauthorized, and cannot be sustained. I have already shown, and can show more fully and conclusively hereafter, whenever it may be proper and necessary for me to do so, that the principles maintained here last winter, by myself and others who agreed with me, and which were understood to have received the sanction of a majority of this body, are in conformity with those recognised at the foundation of the Government, admitted ever since, and acted on by all parties, and were, by many of the enlightened statesmen who were instrumental in establishing the constitution, then and ever since deemed consistent with, and even essential to, the preservation of liberty and the public good.

I have no more to say on these topics. I recur to the question. The Bank of the United States having ceased to be the depository of the public money, and this House having decided that they shall not be restored to that institution, what shall we do? Is it necessary and expedient that the present condition of the public money, deposited in the State banks, should be permitted to remain? Whether we shall define more precisely the extent of the executive authority in relation to it, and limit and restrain the discretion now confided to that department under the existing laws and the long-settled interpretation of those laws? And by what provisions, and under what conditions, the public money may be deposited in certain State banks? Or whether we can dispense with the use of the State banks, and resort to some other expedient?

The employment of the State banks as depositories of the public money is called an experiment, and no little ingenuity has been displayed in ringing the changes on this word, with a view of ridiculing the idea of making an experiment on this subject. I am surprised that even some of the opponents of the Bank of the United States should speak of the employment of the State banks as depositories of, and as agents to collect, keep, and disburse, the public money, as an experiment. I deny that it can, with any propriety, be called an experiment. There is nothing novel in it. It has been going on from the time of the establishment of the first State bank to the present day. State banks have been selected and employed, as they are now selected and employed, by the Secretary of the Treasury, as fiscal agents of the Government, in collecting and disbursing the public money, during the whole period from the adoption of the constitution to the present moment; and this embraces periods when a Bank of the United States existed, and when it did not exist. Let me recall the recollection of the House to the history of the country on this subject. In the year 1811, when the old Bank of the United States had been in existence twenty years, and when judgment of death was about being pronounced upon it by the Congress of that time, a report made by the then Secretary of the Treasury showed that a large proportion, upwards, I believe, of one third of the whole of the public money in the treasury, was deposited in the State banks; and that, of twenty-one depositories, eleven of them were State banks, and nine consisted of the Bank of the United States and its branches. It is, moreover, a fact that, in all the New England States, during that whole time, there was but one branch of the United States Bank located, (in Boston,) notwithstanding the number of the collection districts, the hundreds of ports of entry, the vast amount of mercantile capital and commercial enterprise employed in these States. In Connecticut there was no branch of the United States Bank; none in Rhode Island, which, though small in territory, has always been extensively engaged in foreign trade, and possessed a large amount of capital. So that, even after the first Bank of the United States had been in operation twenty years, the State banks were more frequently used as places for the deposite of the public money than the Bank of the United States and its branches; and the fiscal concerns of the Treasury, in reference to the collection, safe keeping, transfer, and disbursement, of the public money deposited in these banks, were as well and conveniently managed as in reference to that deposited in the Bank of the United States. When the Bank of the United States expired, in 1811, the same system of employing the State banks was continued and extended, and the whole revenue was collected through the State banks, and deposited in them, or such of them as were selected by the Secretary of the Treasury, and employed on such terms as were agreed on between the Treasury Department and the banks, respectively; and we have the authority of Mr. Gallatin, in a letter written in 1812, that "no difficulty has been experienced in the transmission of the public money; and, with the exception of Norfolk and Savannah, the revenue has generally been as well collected as heretofore." What was the cause or extent of the difficulty in the excepted places I am not informed, but I presume they were temporary and inconsiderable.

I hold in my hand extracts which I have taken from the speeches made by gentlemen belonging to each of the great political parties which divided the country in 1811, and had intended to refer the House to them. Under present circumstances, however, I will not read them. They prove that the opinion was universal, at that time, that when the Bank of the United States ceased to exist, the employment of State banks must be extended to those places where theretofore the Bank of the United States and its branches had been used as depositories. All admitted that as the only alternative. The friends of the Bank of the United States insisted there was no other; and, as that would fail to answer the purpose, the Bank of the United States ought to be rechartered; and, on the other hand, the opponents of the Bank of the United States, contending that the State banks had already been, to a great extent, employed; that they were entirely competent to constitute a safe, cheap, and convenient agency in enabling the Treasury to collect, safely keep, and conveniently disburse, the public money. Through all this time, then, from 1789 to 1816, through all administrations, and by all political parties, and especially by that party which was called "republican," this "infernal agency of State banks," as it has been characterized by one of my honorable colleagues, [Mr. Robertson,] has been employed, under the superintendence of the Secretary of the Treasury, and, as it would seem, approved and admitted by all to be the best in the absence of a Bank of the United States.

It is, then, (said Mr. P.,) a misapplication of terms to call the agency of State banks, as places of deposite for the public money, an experiment. It might have been called so in 1789. But surely its having been tested by experience of its successful operation from that time down to 1816, without the loss of a dollar to the Treasury, justifies me in saying that it is no longer proper to call it an experiment. If any thing has occurred since to show that it cannot be depended on, undoubtedly it ought to be candidly considered and duly weighed. It is accordingly insisted that it has signally failed since 1816, and that this is proved by the state of the currency at that time, and by the one million of dollars of unavailable funds, now in the treasury, which we have regularly and ostentatiously paraded before us as the proof of the inability of the State banks to furnish safe, cheap, and convenient depositories. These unavailable funds consist of the notes of some insolvent State banks, which failed some years after the close of the war, and the notes of which, to the amount above mentioned, were in the treasury, and have not been redeemed; and of balances due from some State bank depositories. But do gentlemen suppose that we are so blind, or that we can be so blinded, as not to be able to trace this loss to its true cause? Do we not all know that the deranged and unsound state of our currency, the depreciation of the paper of some of the State banks, and the insolvency of others, at that time, grew out of the state of war? That all the resources of the country, public and private, were put in requisition to furnish the means of carrying on a war which, after all, left us with a burden of one hundred and twenty millions of debt? Can there be any man who supposes that there is something so magical in the name of a Bank of the United States, or so efficacious in the fact that it is created by this Government, instead of by the State Governments, as to believe that, if the Bank of the United States had been in full operation during the war, the same derangement of the currency would not have occurred—the same suspension of specie payments, the same depreciation of its paper, and that of other banks? The necessities of the country compelled almost all the State banks to stretch their credit to the utmost, to assist the Government, until it failed and was exhausted. All institutions of this kind, which did not close their vaults, cease all active business, and refuse all aid to the Government, were involved in the common calamities of the war, which affected the value of every species of property, and visited with its inflections all the recesses of trade, and every ramification of society. It was in the midst of this state of things that it was suggested to Congress, through the Treasury Department, to aid the resources of the country by establishing a Bank of the United States, which should be compelled to loan to the Government, when required, thirty millions of dollars; and was authorized to dispense with specie payments, with the consent of the President. This project failed in Congress. It was demonstrated by Mr. Webster, then a member of this House—and of whom I may say, however erroneous and objectionable are many of his political opinions, that he challenges the admiration of all for his profound sagacity and consummate ability—it was demonstrated by him that it was perfectly idle to establish a bank on such principles—that it would begin in insolvency, and that the whole scheme was little better than a sort of legalized bankruptcy; and yet such were the necessities of the Government, and the peculiar exigency of the times, that it seemed, by many of our most patriotic statesmen, to be demanded and justified. Congress, however, rejected it, and passed a sort of compromise bill, by a vote of 120 to 37, by which the bank was not required to loan money to the Government, and was bound to redeem its notes in specie.

The veto was applied to this bill by Mr. Madison because of these features, which rendered the bill wholly useless in relieving the country during the exigencies of war. Who that looks back upon these historical reminiscences, as to the pecuniary condition and necessities of the country, and the cause of that condition, can be so visionary as to suppose that a Bank of the United States could have prevented the deranged state of the currency? could have protected its own notes from depreciating? could have avoided the suspension of specie payments? have relieved the Government from the necessity of receiving its revenue in the notes of local banks? and, consequently, being exposed to and suffering the very loss which is now, with so much boldness, charged to the account of the State banks, as evidence of their unfitness to be the fiscal agents of the Government? A Bank of the United States, like all other banks, must be affected by convulsions in the political world and revulsion in the world of trade. Treasury notes, issued upon the credit of the Government, and for the redemption of which all the resources of the country were pledged, we know were at a depreciation of more than 20 per cent. in the market about the close of the war, and even the Bank of the United States itself, three years after it went into operation, so far from having corrected the evils of a deranged currency, under the influence of the same causes which affected State banks, was itself, as is notorious, upon the verge of insolvency. That, in 1819, the amount of specie in its vaults was reduced to about $75,000, and, but for the extraordinary forbearance of Congress, in permitting it to retain the public deposites under such circumstances, and in failing to resort to a *scire facias* to repeal its charter, notwithstanding the numerous instances of violations of charter reported by the committee of the House, the bank must have stopped payment, and we would have had to bewail the existence of a much larger amount of unavailable funds in the treasury than is now so frequently relied on to prove the State banks to be unsafe.

I maintain, then, Mr. Speaker, that the State bank system, as to the deposites, is not unsafe; that it has not failed; but has been, and is now, in the "full tide of successful" prosecution.

I will trouble the House with a reference to an extract from the report of Mr. Gallatin to a committee of the Senate, in 1811, in which, after showing that, in the present state of the banking system, being now firmly established, and extending to every part of the United States, he proceeds to say that "State banks may be used, and must, in case of a non-renewal of the charter, [of the Bank of the United States,] be used by the Treasury."

It is in conformity with this opinion, from which, in 1811, there were no dissentients, that the present bill has been brought forward. I will also refer to some remarks made at that time by a gentleman who then, and ever since, has occupied a large space in the public eye, and who then had no little influence over public opinion—I mean Mr. Clay—who said: "About the commencement of this year, (1811,) there appears, by the report of the Secretary of the Treasury of the 7th January, to have been a little upwards of two millions four hundred thousand dollars in the treasury of the United States; and more than one third of this whole sum was in the vaults of the local banks.

"In several instances, where an opportunity existed of selecting the bank, a preference has been given to the State bank, or at least a portion of the deposites has been made with it;" and this, in some instances, where a branch of the United States Bank was located in the same place.

And again: "I cannot subscribe to the opinion of the Secretary of the Treasury, if it is meant that the ability to pay the amount of any deposites which the Government may make, under any exigency, is greater than that of the State banks," &c.; "with regard to safety, I am strongly inclined to think it is on the side of the local banks."

The Bank of the United States, it is conceded, is to be dispensed with, and it is believed that there are insuperable objections attending the only other scheme which has been brought into competition with the employment of the State banks. The very decisive vote by which that scheme (Mr. **Gordon's** amendment) has been rejected by the House, shows conclusively that it is not likely to receive the sanction of the House or of the people. However plausible it may be on its face, however captivating to the fancy of those who have prejudices against all banks, and who think any connexion between the Treasury and banks dangerous in a political point of view, it is easily to be perceived that these objects are not to be accomplished by the plan proposed. It is in these respects wholly delusive. Admitting the existence of the deprecated evils under the bank system, the scheme, as proposed, for disconnecting the Government and banks does not go one iota towards the accomplishment of the object. The whole effect of it would be to transfer the power of selecting the deposite banks from the Secretary of the Treasury, and confer it upon the subordinate officers of the Treasury. The money will still be deposited in the banks; for it is not proposed to compel the collectors and receivers to keep the public money in specie in their own houses; and, if it were, it would only render the scheme more indefensible; and the whole matter, therefore, ends in changing the person in whom you will repose confidence--whether in a high officer of the Government, the elevation of whose position, placing the eyes of the whole country upon him, furnishes a guarantee against any improper use of his discretion, or whether you will devolve this discretion on a mere subordinate, or upon an army of subordinates, whose livelihood depends upon their retaining their offices, who are less exposed to the public gaze, and perhaps less under the restraint of high moral considerations; who may be stimulated by a desire to propitiate the powers that be, to abuse their discretion; and whose situation is such that they may give the worst effect to this kind of influence when they choose to exert it: and all this is to be accomplished at a vast increase of expense, a considerable multiplication of officers, and a great addition to the patronage of the Executive. This scheme, then, in the present state of things, cannot be approved. And, in truth, in whatever aspect this matter can be regarded, whether as a political question or as a mere financial one, it must end in a choice between the Bank of the United States and the State banks.

Great objection is made to the employment of the State banks, on the score of the dangerous political influence which would be created. This objection is made, not only from the friends of a United States Bank, who can see no such danger in a Bank of the United States, but with more reason by the opponents of a Bank of the United States. With great apparent consistency they say they consider the Bank of the United States dangerous to the liberties of the country, and that all the objections apply with equal force to the State banks. But, Mr. Speaker, it must be recollected that the danger apprehended from the United States Bank never was supposed to arise from the incidental financial connexion between it and the Government. The power it possesses, and which is regarded by those who do so regard it as dangerous, is derived from other sources; from its immense capital, with numerous branches located in different parts of the country, all wielded by one directory, and governed by one will; making it, like the fabled Briareus, with a hundred arms, obedient to one mind and supported by one immense body. Thus constituted, it is a giant holding the public credit in its hand like a bird, which it can control or crush at pleasure.

The developments of the last year or two have given awful force to the apprehensions which had been previously indulged, of the dangerous power of such an institution, whenever it became its interest to use that power to control public opinion, or in any other way affect disastrously the credit and currency of the country. These evils are not, I think, to be apprehended from the State banks. They will derive very little aid, in point of political power and influence, from the inconsiderable proportion of the public revenue derived from the deposites, distributed as they must be amongst a great many of them. They are scattered all over the country, exist by distinct and unconnected charters of incorporations, derive their existence from the State Governments, and are themselves watched by and must keep watch upon other and rival institutions; and each and all of them having very limited capital. Under these circumstances, I must regard all that is said about the danger of a league of State banks, and the tremendous political influence and controlling patronage which is to be derived from using the State banks as places for the deposite of the public money, as entirely fanciful and deceptive.

No little hostility is displayed against the State bank system, because, somehow or other, it seems to be imagined that it is calculated very greatly to enhance the prosperity of New York, and to work in some way or other injuriously to other parts of the country; and it is vehemently assailed here and elsewhere in this spirit. Now, I am entirely at a loss to comprehend all this. The city of New York, being the great commercial emporium of the United States, the entrepot of a very large portion of our commerce, is, and must necessarily be, the place for the collection of an equivalent proportion of the revenue. But I do not well see how that should be a cause of envy, jealousy, or distrust, against New York, or against the State bank system. It is the city which feels the benefit, not the State of New York particularly: not the interior of New York, any more than the interior of Pennsylvania or of Virginia. Much revenue is received there, because much commerce comes there. But no more is received than would be received if the revenue was collected by a United States Bank, or by collectors and receivers. New York will be just as much benefited by one system as the other. We ought not if we could, and we could not if we would, deprive the city of New York of the commercial advantages derived from her natural position, and from the concentration of capital there, in pursuit of the most profitable investments of it. You have neither legislative authority nor moral power to do it.

Mr. Jefferson once said that it was idle for a Legislature to say, by law, that there should be towns where God and nature had said there should not be towns. In the same sense, I say that any efforts you can make, by your legislation, to check the growth or to arrest the prosperity of New York, will be as vain as the efforts of an infant to fetter the limbs of a giant. You cannot do it, unless you can command the winds and the waves, and vainly arrogate the power which the courtiers of Canute persuaded him he possessed, and say to the waters of the sea, thus far shalt thou come, and no farther. All those allusions, then, on this subject, and in this debate, to the particular interest which New York feels in this question, and the no less significant and equally pertinent references and sneers at the safety fund system of that State, I cannot regard but as wholly misplaced, and having very much the appearance of unworthy appeals to prejudices of the very lowest kind.

I stated in the beginning of my remarks that I was in favor of the principle of the bill. I am not only willing but desirous that some law should be passed on this subject, with such provisions as may be calculated, in the wisdom of the House, to increase the security of the public money, and restrain, define, and limit, the discretion now confided to the executive department, under the existing laws, so far as that discretion can be safely restrained. But I do not feel so much solicitude on this subject as some gentlemen display; nor do my anxieties proceed from the motives assigned by some others. Happening to be one of those who consider the present arrangement made by the Treasury Department for the employment of State banks as depositories of the public money, as authorized by law, and the long-settled interpretation of that law, frequently sanctioned by Congress, I am not animated by the sentiments which inspire those who say that the public money is now under the unlimited control of the Executive; that the President has seized the money of the country, and holds it without law and against law. Neither the President nor the Secretary of the Treasury have, or claim to have, any thing more to do with the money than to take care that it is deposited for safe keeping in proper places, and that it is faithfully and scrupulously and promptly applied to the satisfaction of the appropriations made by law, and that none of it is paid away but to satisfy such appropriations. For this purpose, the Secretary of the Treasury now, as every Secretary before him has done, has selected State banks as depositories, and upon such terms as he supposed beneficial to the public interests.

The state of things, in this respect, which exists now, has existed ever since the foundation of the Republic. If the Secretary of the Treasury now errs as to his authority under the law to do so, he errs in company with all the Secretaries who have gone before him, through the administrations of Washington, Adams, Jefferson, Madison, and Monroe. When the old bank went down, in 1811, in those palmy days of genuine republicanism of the old school, to which certain politicians are in the habit of referring with exultation, and contrasting with what they esteem the political degeneracy of the present day—during the presidency of the mild and virtuous Madison—the then Secretary of the Treasury, Mr. Gallatin, made arrangements with the State banks to keep the public money, they had not the perspicacity to perceive that they were committing a flagrant encroachment on the powers of the Legislature; that they were seizing the public treasure, and might be suspected of a design to establish a league of banks for political purposes, endangering the liberties of the people. These are all discoveries of modern times. In 1812, on the 8th of January, Mr. Gallatin, in obedience to a resolution of this House, made a report to the House, showing all the details of the process by which he had consummated this grievous invasion of the laws, and this enormous outrage upon the principles of civil liberty, viz: that a Secretary of the Treasury should presume to direct in which banks the treasure should be placed for safe keeping, until it was wanted; and, strange to say, the Congress of 1812, like all other Congresses before and since, until the 1st day of October, 1833, were so dull in comprehending the laws as they are, or so indifferent to the discharge of their public duty, received and printed this report, without any exhibition of apprehension for the safety of the public money, the supremacy of the laws, or the liberties of the people. The employment of the State banks has not heretofore, is not now, and I hope never will be, used as an instrument of political power. If it was desired so to use them, I do not think the attempt would be successful to any material extent.

The power of Congress, however, to select the place of deposite by law, and to prescribe the terms of employment of the depositories, is not questioned by any body; and we may safely rely on their wisdom, and the intelligence and virtue of the people, to provide a remedy for any political evil which may be seen. But, although I do not feel so much anxiety as others profess on this subject, I am willing, and even desirous, for the purpose of satisfying all, that some bill should be adopted, regulating the deposites of the public money in the State banks, with such provisions as may be thought best calculated to promote the safety of the public money, its convenient disbursement, and to guard against any abuse of the executive department in its superintendence.

I propose to offer, at a suitable time, an amendment to the bill, in that part of it which provides that, in 1838, no bank shall be employed as a depository which issues notes under the sum of $10; and the notes of no bank which issues such notes shall be receivable in payment of Government dues. While I agree to the provision as to banks issuing notes under $5, which is to be immediately operative, I object to the prospective legislation before referred to. This is an experiment how far we can, by regulations of this description, suppress the issue of small notes, and increase the amount of specie which shall be kept in actual circulation. The object is an exceedingly desirable one, and I am willing to co-operate in effecting it, so far as we can by legislation. Its successful accomplishment, however, requires the united efforts of the States, and may be frustrated by a variety of circumstances over which we have no control. It cannot possibly be known beforehand whether the subject will be effectual, and it is better to wait and see the operation of the bill as to the notes under $5. If it be successful, it can hereafter be carried further by a new law. Our successors will be much better able than we are to decide how far it can be carried; and whether the state of things in 1838 will authorize it. This legislation in anticipation is always injudicious, when no very strong motives for it exist. It was precisely out of a species of prospective legislation, somewhat of this kind, that much of the difficulty of the contest about the deposites arose. The bank charter contained a provision by which it was declared that the deposites of the public money should be made in the Bank of the United States, with certain qualifications. It was contended that this was a contract by which all future Congresses were bound for twenty years. Whether this was truly a contract, or not, I have never given myself the trouble to discuss; for it is wholly immaterial to the question of the legality of the removal of the deposites. But, admitting it to have been of the nature of a contract, it was exceedingly unwise thus to restrain the legislative authority, even if it was not unconstitutional, as I think it was. In relation to the provision of the bill now under consideration, directing what denomination of notes should be receivable in 1838, and prescribing a rule of this sort, by which the qualification of a bank to be a depository of the Government is made, three years in advance, although not unconstitutional, it is certainly inoperative, unless to control our successors, whom we ought not thus to restrain. It may happen that Congress, in 1838, would not be willing to pass such a provision, and yet it might be impracticable to get a majority of both Houses to repeal that which we now make. For these reasons I shall propose to strike out this provision from the bill, when it is in order to do so, unless I hear some satisfactory reason why it should not be done.

I do not mean to discuss the propriety of the several amendments offered by the gentleman from Pennsylvania; they will, no doubt, be examined by the members of the Committee of Ways and Means, to which I presume they have been submitted, and by them considered.

Mr. E. EVERETT said he wished to offer an amendment to the bill when the proper time should arrive. He expressed his approbation of the several amendments of the gentleman from Pennsylvania, [Mr. Binney.] He last year voted against the bill; for he regarded it as part of an illegal system, in violation of the existing law chartering the Bank of the United States. He said, if the amendments of the gentleman from Pennsylvania [Mr. Binney] were adopted, he should vote in favor of the bill. He was opposed to placing so much power as that of selecting the deposite banks in the will and discretion of the Secretary of the Treasury. He was aware of the difficulty of the case; but his plan, he thought, would obviate it; and that was to place the money in those banks that would pay most for its use, all other things being equal, and taking care that it be perfectly secure. Such a provision was equitable, and he hoped would be adopted, and he should offer it hereafter to the consideration of the House.

Mr. WILDE rose to appeal to all parties, the friends of the amendments in particular, to bring the question to a close. There were only sixteen days of the session remaining, and the present discussion was arresting all the business of the country. Every speech made in favor of the amendment was virtually in favor of the previous question. The House had shown a disposition to permit the question to be taken directly on the several amendments, and he hoped the discussion would terminate.

Mr. GRAHAM offered an amendment providing that four per cent. per annum should be paid for the use of the public moneys by the banks in which they were deposited, and that the Secretary of the Treasury keep a proper book of accounts, &c. Mr. G. said: that, at this late hour, when the day is far spent, and the patience of all must be exhausted, I do not propose to detain the House, further than to explain, very briefly, the object of the proposition I have submitted. The amendment I have presented for the consideration and adoption of the House is predicated, I conceive, upon just principles and reciprocal benefits. The bill under discussion proposes to deposite hereafter all the public moneys in the local and State banks. By adverting to the last annual report and estimates of the Treasury Department, it appears that the revenue collected and accruing from all sources, during the year 1834, amounted to twenty millions six hundred and twenty-four thousand seven hundred and seventeen dollars; and the balance in the treasury on the 1st of January, 1834, was eleven millions seven hundred and two thousand nine hundred and five dollars, making an aggregate sum of thirty-two millions three hundred and twenty-seven thousand six hundred and twenty-three dollars. This large sum of money is the property of our constituents. It has been collected from the pockets of the people for govermental purposes. Now, sir, when we are about to commit the public treasure to the keeping of banks, and give them the profitable use of it, shall we not require of them to pay a reasonable interest, as a fair equivalent for the benefits which they will derive from holding and using the public deposites? We, sir, are the guardians of this trust fund, and a high sense of public duty imposes upon us the responsibility of making such a disposition of the national treasury as will secure both principal and interest, whenever the public service may need it. If the public money be deposited in the banks, without adopting this, or some similar proposition, will they not use it and loan it out? And who will derive the interests and profits accruing therefrom? Will the Government or the people? Not at all. Then who will reap the rich harvest, by enjoying the use and loaning out of the public funds? The answer is obvious: Private stockholders; the wealthy capitalists of the country! The consequence is, the people must borrow their own money of the banks, and pay interest to private persons for the privilege of using their own money. Is this not converting public property to private purposes without an adequate equivalent? The amendment I propose is neither new in principle nor in

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practice. I understand, from a highly respectable source, that the Scotch banks uniformly pay interest upon all their deposites. But we have this principle in successful operation nigher home.

I have learned, sir, (said Mr. G.,) from looking into the revised statutes of New York, that that great State deposites her immense revenues in such banks as pay the highest rate of interest for the use of the public money. This is as it should be. When we reflect what great advantages these banks will derive from their connexion and association with the general Government; when we bear in mind how much of character, of credit, and of confidence, will be acquired and inspired by the contemplated relation of Government agent and stockholder, which the deposite banks will hold and enjoy over their equal and rival institutions; when these fortunate banks are gathering such profitable crops, and receiving such large dividends, not upon their own means, but upon our money, I think it is quite reasonable they should pay us a small share of the proceeds. I hope, sir, the amendment will be ingrafted into the bill; and that the people may derive an interest for the use of their own treasure.

After some discussion, the amendment was rejected.

Mr. Binney's amendment, which had been offered as a whole, was, on motion of Mr. **POLK**, divided into its several sections; and the question being on the first, viz: that which requires the returns from the banks to be more particular than is required by the bill, was agreed to.

The question then being on the second amendment, which requires the banks to retain an amount of specie in their vaults equal to one fourth of the whole amount of their circulation and deposites,

It was opposed by Mr. **McKINLEY**, and, at the request of Mr. **JONES**, of Georgia, was modified by Mr. **BINNEY**, by striking out "one fourth," and substituting "one fifth." After some discussion by Messrs. **JONES, POLK, PARKER,** and **McKIM,**

Mr. **BINNEY** demanded the yeas and nays; which were ordered.

Mr. **CAMBRELENG** opposed the amendment, which he considered as going to destroy the bill.

The question was now put, and decided by yeas and nays, as follows: Yeas 109, nays 99.

Yeas—Messrs. John Quincy Adams, H. Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Beaty, Bell, Binney, Briggs, Burd, Burges, Campbell, Carmichael, Chambers, Chilton, Claiborne, William Clark, Clayton, Clowney, Corwin, Crane, Darlington, Davis, Davenport, Deberry, Denny, Dickson, Evans, Edward Everett, Horace Everett, Ewing, Fillmore, Foster, Philo C. Fuller, Fulton, Gamble, Garland, Gholson, Gilmer, Gordon, Gorham, Graham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, William Jackson, Janes, Seaborn Jones, Kinnard, Luke Lea, Letcher, Lewis, Lincoln, Love, Lucas, Martindale, Marshall, McComas, McKennan, Mercer, Milligan, Miner, Moore, Phillips, Pickens, Pinckney, Plummer, Potts, Ramsay, Reed, Rencher, Robertson, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Spangler, Steele, Stewart, William P. Taylor, Tompkins, Trumbull, Tweedy, Vance, Vinton, Watmough, Webster, White, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—109.

Nays—Messrs. John Adams, William Allen, Anthony, Beaumont, Blair, Bockee, Boon, Brown, Bunch, Burns, Cage, Cambreleng, Carr, Casey, Chaney, Chinn, Samuel Clark, Clay, Coffee, Cramer, Day, Dunlap, Felder, Ferris, Forester, Fowler, William K. Fuller, Galbraith, Gillet, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Henderson, Howell, Hubbard, Huntington, Inge, Ebenezer Jackson, Jarvis, R. M. Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kilgore, Lane, Lansing, Laporte, Thomas Lee, Loyall, Lyon, Lytle, Abijah Mann, Joel K. Mann, Mardis, John Y. Mason, M. Mason, May, McIntire, McKay McKim, McKinley, McLene, Miller, Henry Mitchell, Robert Mitchell, Morgan, Muhlenberg, Murphy, Osgood, Parks, Parker, Patton, Patterson, Dutee J. Pearce, Franklin Pierce, Pierson, Polk, Pope, Reynolds, Shinn, Smith, Speight, Standefer, Sutherland, Wm. Taylor, Francis Thomas, Thomson, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Whallon—99.

So the amendment of Mr. Binney, as modified, was agreed to.

Mr. **POPE** moved a resolution making this deposite bill, and the bill transferring the books and agency of the pension fund from the Bank of the United States to the Treasury Department, the standing orders of the day until disposed of; but, before any question was taken upon it, the House, on motion of Mr. **BEATY**,

Adjourned.

Friday, February 13.

SOUTH SEA EXPEDITION.

The motion of Mr. Phillips, heretofore submitted, to print 2,000 extra copies of the report and documents accompanying the bill in relation to a naval expedition to the South seas, was taken up and agreed to.

DEPOSITE BANKS.

Mr. **PLUMMER** moved a reconsideration of the vote of the House adopting the second amendment, moved yesterday by Mr. Binney, to the bill regulating the public deposites in certain local banks, requiring each bank to retain in their vaults an amount of specie equal to one fourth of the whole amount of their circulation and deposites.

Mr. **POLK** called for the consideration of the motion now; but it was decided to be out of order.

USE OF THE HALL.

Mr. **E. WHITTLESEY** moved that the National Temperance Society be permitted to have the use of the hall of Representatives on Monday evening next.

It was objected to.

Mr. W. then moved to suspend the rule of the House, in order that he might be enabled to submit the motion; which was agreed to: Yeas 117, nays 37.

The motion was then submitted and agreed to: Yeas 103, nays 41.

PRIORITY OF BUSINESS.

Mr. **POLK**, from the Committee of Ways and Means, reported the following resolution:

Resolved, That bill No. 563, entitled a bill regulating the deposites of the money of the United States in certain local banks, and the bill No. 564, entitled a bill to repeal so much of the act entitled "An act transferring the duties of commissioner of loans to the Bank of the United States" as requires the Bank of the United States to perform the duties of commissioner of loans for the several States, be the standing orders of the day for this day at one o'clock, and on each succeeding day at twelve o'clock, Saturday excepted, at the same hour, until disposed of; and that, until the hour of twelve o'clock on each day, the business of the House shall proceed in the order prescribed by the rules of the House; but it shall be in order to present petitions and memorials on Mondays.

The question being taken, it was decided in the negative, two thirds not voting affirmatively.

Mr. **McKINLEY** rose to a point of order. He asked whether the rule of the House required a vote of two thirds for the adoption of the resolution.

The **SPEAKER** decided affirmatively.

POST OFFICE REPORTS.

Mr. **CONNOR**, from the committee appointed at the last session to investigate the affairs of the General Post Office, made a report therefrom, which he said he would move to lay on the table, without reading, unless some member should wish to have it read.

Mr. **GARLAND** called for the reading of the report.

Mr. **CONNOR** said its extreme length had induced him to propose to lay it on the table, but he would withdraw it, as the gentleman wished it to be read.

Mr. **GARLAND** withdrew the motion to read.

The report was then ordered to be printed and laid on the table.

Mr. **E. WHITTLESEY**, on the part of the minority of the committee, made a report on the same subject; which, on his motion, was laid on the table, and ordered to be printed.

Mr. **BRIGGS** moved that 25,000 extra copies of each of the reports and accompanying documents be printed; which motion lies over one day.

AMENDMENT OF THE CONSTITUTION.

Mr. **GILMER** asked the House to take up the joint resolution offered by him in relation to an amendment of the constitution, on the subject of the election of President and Vice President, and for other purposes. His object, he said, was to have it read a second time.

An objection being made,

Mr. G. moved to suspend the rule.

Mr. **DICKINSON** asked the yeas and nays on the motion; which were ordered.

The question being taken, it was decided in the affirmative—150 to 56.

On motion of Mr. **GILMER**, the joint resolution was then read a second time, and its further consideration postponed till Thursday next, and made the special order for that day.

Mr. **HANNEGAN** laid on the table an amendment to the above joint resolution, providing that the Senators of the United States be elected directly by the people; which was ordered to be printed.

BOUNTY LAND TO INDIAN RANGERS.

Mr. **WILLIAMS** withdrew the motion which he offered yesterday for the rejection of the bill from the Committee on Public Lands, "granting a bounty in land to the organized militia men and rangers who defended the frontier during the late war with Great Britain."

The bill was then read a second time, and

Mr. **CASEY** moved that it be committed to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. **WILLIAMS** moved to lay the bill on the table.

Mr. **CARR** asked the yeas and nays on that motion, and they were ordered.

The question being taken, it was decided in the affirmative, as follows:

Yeas—Messrs. John Quincy Adams, Heman Allen, John J. Allen, Anthony, Archer, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Bean, Beaumont, Bell, Binney, Brown, Burges, Bynum, Cambreleng, Campbell, Carmichael, Chambers, Chaney, Chinn, Claiborne, William Clark, Clayton, Clowney, Coffee, Connor, Corwin, Crane, Darlington, Davenport, Day, Deberry, Dickerson, Evans, Edward Everett, Horace Everett, Felder, Ferris, Fillmore, Foster, William K. Fuller, Galbraith, Gamble, Gholson, Gilmer, Gordon, Gorham, Graham, Grayson, Grennell, Griffin, Joseph Hall, Thomas H. Hall, Hardin, Joseph M. Harper, James Harper, Harrison, Hawkins, Hazeltine, Hiester, William Jackson, Ebenezer Jackson, Janes, Jarvis, Noadiah Johnson, Henry Johnson, Kavanagh, Kilgore, King, Lansing, Laporte, Lay, Luke Lea, Lewis, Lincoln, Loyall, Lucas, Martindale, Marshall, John Y. Mason, Moses Mason, McIntire, McKay, McKim, McLene, Mercer, Milligan, Osgood, Page, Parks, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, F. Pierce, Pinckney, Potts, Ramsay, Reed, Robertson, Schenck, Schley, William B. Sheppard, Augustine H. Shepperd, Slade, Smith, Steele, Stoddert, Sutherland, William Taylor, W. P. Taylor, Francis Thomas, Trumbull, Tweedy, Vance, Vanderpoel, Vinton, Ward, Webster, Frederick Whittlesey, E. Whittlesey, Wilde, Williams, Wise—130.

Nays—Messrs. John Adams, Chilton Allan, William Allen, Ashley, Beardsley, Beaty, Blair, Bockee, Boon, Bouldin, Briggs, Burd, Carr, Casey, Chilton, Samuel Clark, Clay, Crockett, Davis, Denny, Dickson, Dickinson, Dunlap, Ewing, Forester, Fowler, Philo C. Fuller, Fulton, Garland, Gillet, Halsey, Hamer, Hannegan, Hard, Hathaway, Hawes, Heath, Henderson, Howell, Hubbard, Huntington, Inge, Richard M. Johnson, Cave Johnson, B. Jones, Kinnard, Lane, T. Lee, Letcher, Love, Lyon, Lytle, A. Mann, Joel K. Mann, Mardis, May, McCarty, McKennan, McKinley, McVean, Miller, Miner, Henry Mitchell, Robert Mitchell, Morgan, Muhlenberg, Patterson, Pierson, Plummer, Polk, Pope, Rencher, Reynolds, Shinn, Spangler, Speight, Standefer, Stewart, Philemon Thomas, Thomson, Tompkins, Turrill, Van Houten, Wagener, Wardwell, White, Young—87.

VIVA VOCE ELECTIONS.

Mr. **REYNOLDS** moved that all business be postponed, in order to proceed to the consideration of the resolution submitted by him on the 24th of December, requiring all elections of the House to be made *viva voce*; but it was objected to.

Mr. **EVANS** moved that the House proceed to the orders of the day, and the motion was agreed to.

The House then took up and made an appropriate disposition of a great number of bills. The bill for the

RELIEF OF CITIZENS OF ARKANSAS,

Who lost property by a treaty with the Choctaws, was taken up, and, after the adoption of some amendments,

A debate arose on the bill. It was opposed with vehemence by Mr. **VINTON**, of Ohio, who went into a history of the circumstances of the case, and remonstrated against rewarding, with a donation of one hundred and sixty acres, men whose only merit was the having trespassed on the public land, and refused to leave what they had seized, until compelled by military force.

Mr. **SEVIER** replied, as warmly, adverting to the uniform policy of the Government in granting pre-emption rights to those who had thus settled on the public domain; and contended that it was a right belonging to all citizens thus to settle until the land was sold to individuals. He also adverted to the circumstances in which the bill originated. Those who had resisted the power of the Government, and had been removed by force, had received a larger grant than was by the bill claimed for those who had removed without dispute. The Government had seized their farms, and given them to the Choctaws; and this bill was only to remunerate them, though not to the same amount with the extent of their loss. These squatters were his particular friends, and he meant to stick to them.

Mr. BURGES replied. He considered squatting as a vile term; but he used it because it had been sanctioned by practice. In his opinion, it amounted to something very like stealing. It was true, pre-emptions had been granted to those who, in the early days of our country, had put their lives in their hand, and exposed themselves to the tomahawk of the savage. But these men had gone in profound peace upon lands not theirs, without any danger, and from a mere selfish desire of property. He went into a denunciation of such a practice, and dwelt upon the bad policy of encouraging it. If the farms of these claimants had been seized for public use, let there be a board to examine and ascertain the facts, and report on the justice of their claims. The bill amounted to an abandonment of our land system.

Mr. EWING, of Indiana, replied to Mr. Vinton, and reminded him of the early settlement of Ohio, the Connecticut grant, Symmes's purchase, &c. He insisted that the citizens of Indiana and other new States should now enjoy advantages which were formerly possessed by Ohio. He then went into an eulogium on the squatters generally, who thus obtained better homes than many of them had enjoyed in Rhode Island. The new States were aware of their rights, and if they were refused here, they would resort to another course, not so agreeable to Rhode Island and Ohio, and to which they ought not to be driven. Government could use the squatter to protect it in times of war; but, after seizing his house and little piece of land, it turned them off to cover themselves with the bark of the oak, and take any other course they pleased. Claims in the East could be granted to the amount of millions; but the poor squatter was cast aside because he was ignorant of technical rules of evidence.

Mr. ASHLEY, of Missouri, said that the right of the poorer people of the United States, who could not purchase land on the seaboard, to go to the West and get homes for themselves, had been recognised, and ever would be, by the public sentiment, though it might be denied on this floor. He dwelt on the useful services of these pioneers in opening and improving the wilderness, and in defending the country in time of war. But apart from this general view, he insisted on the equity of the bill in granting land to men who had peaceably quitted their homes when required by their Government, after others, who had resisted desperately, had received a larger amount.

Mr. HARDIN moved to amend the bill by confining the selection to land subject to entry.

Mr. MASON, of Virginia, said that the gentleman from Arkansas, when in robust health, was at least a match for all who could oppose the policy of the bill; but his health being at this time impaired, Mr. M. would explain the grounds on which the bill rested. He then went into the history of the origin of the measure which had driven these squatters from their improvements, although entitled to a pre-emption right, and of the compensation which had been allowed to the persons thus removed; and dwelt upon the equitable claim of those who had quietly obeyed the order of Government over such as had resisted it; yet the latter got much more than was now proposed to be conferred on these claimants.

Mr. VINTON responded—recited again the ground he had before taken, but admitted that, if these settlers were entitled to a pre-emption right, the case was changed, and that they ought to be requited by pre-emption rights elsewhere. But he doubted exceedingly that they had the smallest right to the land. He then went on to vindicate his course as a vigilant sentinel over the public property, whether in money, land, ships, or other things. The public lands were held in trust, and the charge was of a sacred character. He then replied to the allegations which had been brought against his State; went into the details of Symmes's purchase, &c., denying that the settlers on that tract had ever been squatters; but, on the contrary, had paid both Symmes and the Government. He then went into a history of the speculations of the Scioto Company. Three hundred French families, who had paid 100,000 crowns in Paris for their lands, were driven from their property, save a few who were too poor to remove, and these had received land from the Government, yet were losers, not gainers, by the transaction. He insisted that this was a far different case from that of the Arkansas settlers. He detailed the circumstances of the first grant to these latter, as originally moved by Mr. Benton, in the Senate; and he concluded by insisting that, if such persons were to be rewarded, the public domain had better be relinquished.

Mr. BURGES replied, with much severity, to the remarks of Mr. Ewing, who seemed to boast of being the Representative of men who seized what did not belong to them. So let him: "Like master, like man." But he protested against such a charge upon men of Rhode Island, who had gone into Indiana. They had all paid for their land. He protested against the charge upon the old States of opposing poor men getting a home; but they endeavored to furnish him with employment at home. If he chose to chase bright visions in the West, they did not hinder him; but they were utterly opposed to seizing lands, without title or without price. Mr. B. dwelt with delight upon the value and importance of the Western domain, as the resource of the Union for the most valuable public interests. But if the practices now growing common in relation to it should proceed, it was time the Government abandoned the whole.

Mr. PARKER thought, if these settlers had a fair claim, it ought to be stated and proved under the investigation of a committee, and paid them in money. Let them be paid out of the treasury; he meant the treasury of money; for the United States had two treasuries, one of money, and the other of land. One had a key, the other none. If a man wanted land, it was only for somebody to move, and he got 120 or 160, or 640 or 1,280 acres; almost whatever he chose to ask. He wanted all claimants put upon a level, and all losses proved by the same evidence.

Mr. CROCKETT supported the bill, and was in favor of giving a home to every man who would pay for the survey. These were the men on whom the country could rely, and nothing would make them so love the country. A gentleman had said the country had two treasuries, one with a key, and the other none; but he believed there was no key to either. There was nothing in the President's message pleased him so much as the recommendation of giving homes to poor settlers. He began to think the President was almost turning a Crockett man.

Mr. HANNEGAN said he did not rise so much for the purpose of debating the merits of the bill under consideration, as of replying to and repelling the unwarrantable and insidious aspersions so unjustly cast upon the Western country by the gentleman from Rhode Island, [Mr. Burges;] aspersions for which no cause could be assigned, no reason found in what was then pending before the House, or had been previously uttered in debate; charges the most extraordinary that he had ever heard uttered on that floor, and without the shade of provocation. To them, however, and to the gentleman from Rhode Island, he would not reply in the spirit that had dictated that gentleman's wanton reproaches upon a race of people about whom he knew nothing, and to whose habits he would, in all likelihood, for ever continue a stranger. Mr. H. said his surprise had been increased, when he reflected from what quarter this attack came; from one whose sectional attachments, if we are to judge by what has often escaped him, are as strong as man's can be. One whose tongue was never silent when New England was assailed; whose eloquence had so often stirred his auditory, not only on that floor, but elsewhere, in repelling the thrusts made at the land of "the Pilgrim fathers."

For the love borne by the honorable gentleman to his native land, for his defence of her, for his devotion to her interests, he (Mr. H.) honored him. But, sir, is it not strange to hear from such a source a wanton violation of those very feelings in others, which he professes to hold so sacred in himself? Can we credit the sincerity of his professions of attachment to his own home, when, with cold, unfeeling levity, he openly mocks at the attachment of others? Can such a man be sincere? Are not his professions false and hollow?

The invidious remark of the gentleman, in replying to the honorable member from Virginia, [Mr. Mason,] "that he would not have expected so much of the demagogue from one so near the waters of the Potomac; that it was better suited to the West, where stumps were plenty," however it might answer the views of the honorable gentleman from Rhode Island, in making his court to Virginia, was by no means calculated to heighten him individually in the estimation of the House, or to elevate his character before the country for candor and justice. For the purpose of exposing the injustice of the remark, so obvious to all, it will be unnecessary to institute any comparisons, resort to any appeal, make any reference to times past or present. What the West was, all the world knew; what her sons were, had been tried in the hour of difficulty, of danger, and of death. Promptly responsive to their country's call in the moment of her necessity, when girt around by enemies, they had not, they would not, no, God forbid that they ever should, stop to inquire whether her cause was right or wrong, after the sword had once been drawn, the standard unfurled, and the shrill bugle sounded the rally for her defence. To the call of their whole country they had promptly responded, as a body; in defence of their own loved "West," as individuals, they would be equally prompt, whenever occasion required a sacrifice or a hazard at their hands, for the maintenance of her honor or her interests.

Who would have recognised to-day in the scornful contemner of the habits and the customs of a large portion of the Western people, the same individual who, on some former occasion, has so feelingly and beautifully pictured out his own New England, her smiling fields, her admirable institutions, her evidences of devotion to the common cause of liberty in other times! And true it is she has them; her Bunker's Hill, her Bennington; and not these alone, but with equal pride cannot the West turn to her evidences of devotion to the same holy cause? Has she not her New Orleans, her Tippecanoe, her Thames, her Raisin, where the blood of her best, her noblest sons flowed freely out, an offering before the high altar of the whole, the common country? The hour will never come when her sons shall look with coldness or indifference on these fields, or regard with feelings other than those of holy pride the oft-repeated instances of her attachment to the cause of liberty, and the Union. What, (said Mr. H.,) is it a reproach to have sprung from the "West," that "West" whom her sons love so well, whose very name stirs up their hearts, quickens their pulses, as the name of a fond mother in whose lap they have been nurtured? To her they ever turn with fond affection, thankful to God that their eyes had opened first in her unsullied retreats; that first they had seen the sun shine down on her free and green hill-tops above, and their waters roll on their way through her rich and beautiful valleys below. And this pride, and this love, every true son she has will carry with him through life, the dearest of all cherished affections—the deepest imbedded in his heart; he will carry it to every country, to every climate, where destiny may cast him. It will cease--it will be lost--and lost only, when the grave closes over the last throbbings of earthly attachment.

The remark of the gentleman, intended so sarcastically to be felt in this House, at the expense of my colleague, [Mr. Ewing,] when he treats him as the specimen of the people he represents, and with indecent levity aims to excite a transitory mirth by the infliction of a deadly wound, not upon his (Mr. E's) feelings, but the character of those from amongst whom he comes, is what I had not expected from the gentleman—it would almost seem to be consistent only with the workings of a heart whose malevolence seeks for its gratification the miseries of others. I would offer no rebuke to the gentleman from Rhode Island; his years are many, his hairs are white, and thinned by time—mine are the reverse--the contrast checks in me that oppression of feeling which swells almost too high for control. But that intended sarcasm carried with it a compliment the highest that I would ask at the hands of mortal man—I would ask no more than to be regarded as the personified delineation of the courage, the generosity, the honor, and the chivalry, of that people in the midst of whom I first drew breath, and surrounded by whom I have grown to manhood.

A few remarks concerning the people whom the honorable gentleman is pleased to designate as "land robbers," "thieves," "depredators," whose offences, morally, fall nothing short of the crime of larceny. It requires no little stretch of imagination to recognise, under these epithets, that industrious portion of our community in the West, numbers of whom have emigrated from New England, and who, being without the means of purchasing, have become, with their families, the actual occupants of small portions of the soil, for which they ask no other favor than a pre-emption right, at the minimum price of the Government. Far different are the feelings by which they have been led to make for themselves a home, their families a shelter and a subsistence. It is their aversion to the very crimes of which the gentleman speaks that has induced them to leave the older and the compactly settled portions of the country, where even industry is pinched too often by want, and to brave the exposures, the severities, and the hardships, incident to the life of him who goes into the bosom of the forest, depending upon his axe for the roof that must shelter, and upon his rifle for the food that must furnish, not him alone, but those to whom nature has given the dearest and holiest claims upon his exertions and his existence. They have gone to avoid the miserable condition of the thousands who are now lingering about the purlieus of the large cities, pressed by want, struggling with famine and cold, the honesty of whose hearts has been crushed, the firmness of whose integrity has finally bowed before the fierce influence of hunger and necessity, and who have been forced to sustain existence by continued depredations upon the persons and property around them, and, living alone by plunder and pillage, have sunk into all the excesses of crime. These same miserable outlaws, had their lot been cast amongst the class so bitterly contemned by the honorable gentleman from Rhode Island, would have presented a far different picture of humanity—one more grateful to the heart that looks with benevolence upon the race of human kind.

With all the attachment borne by the gentleman from Rhode Island for his own State, and the high opinion he has of her working population, I think the contrast between their condition and that of the backwoodsmen—the squatter, to use that word which sounds, as the gentleman says, so horrid to his ears—will present, even to his view, a picture more favorable to the latter. Take the class who labor for subsistence in the large manufacturing institutions, and what does that labor produce to them, at the end of each week, more than will barely answer the pressing demands for food and raiment? Successive years of labor will find them still the same—no increase of stores—no addition of comforts; far less of wealth or substance. The scanty pittance is expended, week by week, as it is earned. Wearied with his endless drudgery, and its miserable recompense, the laborer of years at last turns his eyes to the far off West—that land of promise, whose harvests, fame tells him, are golden—whose lands yield almost spontaneously to the wants of man. He seeks in her bosom the truth of the tale that has lured him, the reality of the vision that has flitted so often over his doubting senses. Is that vision confirmed? Is that tale the tale of truth? Has the land of promise been reached, and its harvests found ripening in the head? Wait the lapse of a few, a very few short years, and then seek the answer of the pilgrim himself. He will give it you beneath his own roof—he who sought the land of the stranger on foot, with scarcely the means of a dinner in his pocket, will furnish forth the comforts of his habitation. Humble it may be to the dweller in cities, but with comfort it abounds, and within is peace, and health, and plenty; and without, the eye is greeted by the bountiful and waving crop, and the grazing herds may be traced by the distant glade. It is his own, all his own; the fruit, the labor of his hands, and with cheerful delight he gazes over his farm, and feels, with honest pride, the independence of a freeholder. However kind may be the recollections with which memory visits the parent land, that memory is unclouded with regret, for he has exchanged toil for rest, penury for plenty, servitude for freedom. If Rhode Island, as often happens, has been his early home, the change is even greater; the cause of his rejoicing still more increased, for the high instrument, the paramount law which secures and guaranties his right as a man, his privileges and his protection as a citizen, is no longer a royal charter, a grant carrying with it the degrading evidence of a monarch's rule, the humiliating admission that his kingly condescension had more wisely provided for freedom than freemen themselves could. No, he has exchanged the government of this charter for a constitution, formed, perfected, adopted, in all its parts, by the people themselves; created at their will, based upon their confidence, and sustained by their affection, an honored and living commentary upon the great principle of human equality.

It is such men as I have described that have this day fallen under the denunciation of the honorable gentleman from Rhode Island, and whom he thinks it would be discreditable to represent on this floor. For my own part, I am proud to acknowledge that such are many of my constituents, and I apprehend they would lose but little by any comparison that might be instituted between their moral condition, and that of the people of Rhode Island, or elsewhere. The very industry which they practise in acquiring for themselves a home is a sufficient compensation to the Government for her land, as it increases their attachment to her, by extending their interest in the soil. What constitutes the wealth, the reliance, the boast of any nation, but its population? What is the great and paramount object of all Government, if it is not the promotion of happiness and security among its people? Of all Governments that have existed, ours professes in the highest degree, and is, beyond doubt, in the outline, best calculated to promote the end desired. Yet, with all its advantages, much of the machinery may be, and is practically, misapplied.

We are doing what no good Government besides has ever done, and what is to be hoped will soon be eradicated from our system—we are making the public domain of the country a matter of speculation and profit upon our own citizens, for the purpose of increasing the Treasury spoils that are annually divided out on this floor. Instead of this course, were we to portion, in limited parcels, the whole domain as it might become settled by the class of people against whom the anathema of the honorable gentleman has been directed; were we to divide it amongst all the industrious poor of the whole country, willing to become its tenants, and reap its harvests, how much would not the sum of human happiness be raised? How immeasurably would the true wealth of the nation be increased?

But to this the honorable gentleman from Rhode Island, and those who act with him on the main question involving the public lands, have an objection so deep—to the selfish politician so strong—that, notwithstanding the covert under which they would fain hide the true cause, no occasion passes without its exhibition. And this cause, and this alone, I do from the bottom of my heart believe has prompted the open and violent assault of the honorable gentleman to day, upon a whole race of people.

It is the fact, that political power and strength is gliding too rapidly from the East to the West. The population of the latter, growing in number, and directing all their energies to the development of the many resources kindly provided by nature, presents a scene of advancing power that has kindled up the jealousy of some in the Eastern section, who can view only the dark side of the picture—their own downfall in the prosperity of others. Sir, it will be all in vain; no checks can now restrain the growing prospect of the great valley of the West. Her march is steady, sure, and onward.

Against the very kind suggestions of the gentleman, that the proceeds from the sales of the public lands should be taken and distributed amongst the different States, for the purpose of educating all the children of the country, I would beg leave to protest, on many accounts. One reason, however, will be sufficient at this time. I do not wish to see Rhode Island raising the means for the education of her children out of the soil of Indiana. Let her raise those means at home; let her educate her own children with her own means, and we will educate our children in the same way. We will teach them the proper duties of the citizen; instil into them a pure love of the free institutions of their country; a readiness to defend them when assailed by outward foes, ay, or by intestine traitors; a just regard, too, for the feelings of all mankind: in a word, we will teach them all that man should be; just so much, and no more; and it will be well for the fame of Rhode Island, should the same course be hers in time to come.

Mr. Speaker, I have done. The rhetorical flourish of the gentleman in behalf of the poor Indian requires no answer; its use for sympathy, or ornament, in setting off a speech, however it might suit, were the Indians concerned in the matter before the House, is now of little avail either way, being entirely out of place. To the merits of that class, for a portion of whom the benefits of the bill under consideration are intended, I have borne and can bear every testimony that honest industry deserves. The bill itself has my hearty wishes for its success, and shall therefore most cordially and cheerfully have my vote.

Mr. HUBBARD, after some remarks on the character of the debate, and the difference of opinion as to the facts of the bill, expressed himself desirous of further examining them, and therefore moved an adjournment; which prevailing,

The House thereupon adjourned.

Saturday, February 14.

After the reading of the journal,

Mr. ADAMS, of Massachusetts, requested permission of the House to say a few words not connected with any motion or petition, but by way of explanation. In this request he had two objects in view: the one of a personal nature, the other of considerable interest to the community. It would probably be recollected that on this day week he had offered a resolution in relation to certain documents which he had moved for, and which, when obtained from the Executive, had been referred to the Committee on Foreign Affairs. His resolution had proposed that this reference be accompanied with instructions to that committee to report forthwith, on that part of the annual message of the President of the United States to Congress, at the commencement of this session, which relates to the state of our affairs with France.

In the course of the observations he had submitted on that occasion, the expression had escaped him that the other branch of the Legislature, after deliberating fully and thoroughly on the subject-matter of the President's communication, had come unanimously to a determination "to dodge the question." It would be remembered that the Speaker of the House had arrested him at the moment, referring to that rule of the House which forbids any reference to proceedings in the other House of Congress. By thus arresting him, the Speaker (without any such intention, no doubt) had deprived him of the means of explaining. Mr. A. had submitted, and taken his seat in silence; but it had struck him as very hard that he should have been arrested on a mere formal rule of order, a rule which was violated every day by every member of the House, for a mere reference to the proceedings of the other branch of the Legislature. He had, consequently, inquired privately of the Speaker, why he had been thus called to order for doing what was allowed to other members every day. The Speaker had replied that it had not been on the ground of a reference to what had been done in the Senate, but of the manner of that reference; because the word he had employed was understood by the Speaker as disrespectful to that body. Mr. A. had replied to this, that it had seemed to him peculiarly unfortunate, when it had been merely his manner, and not the allusion he had made, on which he had been arrested and called to order, and thus precluded from making an explanation. That explanation he now wished to make, publicly disclaiming all intention of any thing disrespectful to the Senate. He disclaimed it in the most explicit manner; and, had the debate proceeded, it had been his intention ultimately to recommend that the same course should be taken by the House. He should have recommended the House to "dodge the question" for the present, in the existing state of our information. Mr. A. expressed his regret to learn that some of the members of the Senate had felt hurt at the expression he had used. He now, in the most public and explicit manner, declared that it had been far, very far, from his intention to inflict any wound upon their feelings. He thought that the Senate had acted as it was their duty to do, and the conclusion to which they had unanimously arrived was the conclusion which he should have been desirous that the House should adopt. But the Senate had acted; they had not gone to sleep on the state of our relations with France; and he wanted the House to show, by requiring its committee to do what every committee ought to do, that they were not sleeping over the rights, honor, and dignity of the country. This was the explanation he had desired to make on this part of the subject.

But there was another subject, far more important. He had been advised, by information from the great emporium of commerce, the city of New York, that considerable commercial excitement had been caused there, not by the action of this House, but by the remarks made by himself, or by what was called the stand he had taken; and he had seen paragraphs in newspapers, representing that such had been the effect that the holders of French goods, as well in New York as in Philadelphia, had advanced the prices of those goods in consequence. He regretted exceedingly any such effect. He should scarcely have believed it possible that such an effect could have followed from what took place in the House on that occasion. He should have supposed that the merchants of New York and Philadelphia would have drawn their inferences, not from what had been said in the House by any member, much less by himself, but rather from the action of the House itself; and whatever may, on the other day, have been his martial propensities, or however they may have been most erroneously misrepresented, he should suppose that reference would rather have been had to what the House did than to what had been said by him. Now, the fact had been, as the Speaker and the House would recollect, that Mr. A. had not been supported in his motion by any one party in the House. The House, so far from agreeing to his motion, had rejected it by a large majority, and had declined even to indulge him in his request for the yeas and nays.

This had been published to all the world; it was universally known; and he could not therefore have conceived it possible that such an effect could have been produced by any remarks made under such circumstances by him. But, in conclusion, Mr. A. wished to give notice (if such notice could be necessary) to all merchants of the United States, that there was not the slightest danger that any thing which might by possibility lead to war should proceed either from that House or from the other branch of the Legislature. He now said, upon his responsibility, to the nation, that there was no danger of any thing being done by either House which might by possibility lead to war with France.

He therefore trusted that the merchants would consent to reduce to their former level the prices of their lustrings, silks, and ribands, for the ornament of the ladies' dresses for the fancy balls, and not distress them by very unnecessary aggravations of price. God forbid that Mr. A. should be instrumental in taxing the ladies for the ornaments of their beauty.

TERRITORIAL BILLS.

Mr. C. ALLAN, from the Committee on Territories, reported the following resolution:

Resolved, That this House will, on Tuesday next, take up and consider bills relating to the Territories.

Mr. POLK moved to strike out Tuesday, and insert Friday.

Mr. WARDWELL said that the adoption of the amendment would be equivalent to a determination not to do any more business of a private nature, (on claims, relief bills, &c.) this session.

After a word or two from **Mr. POLK**, the amendment was agreed to.

Mr. VANCE moved to include in the motion the bill to fix the northern boundary line of the States of Ohio, Indiana, and Illinois.

Mr. ALLAN said the effect of such an amendment would be to give the go-by to the whole of the territorial business at this session.

Mr. ASHLEY remarked that much of the territorial business had been on the table since the last session, and expressed the hope that the House would agree to consider it.

Mr. ALLEN, of Ohio, earnestly urged the necessity of settling the boundary line between Ohio and Michigan.

After some further remarks from Messrs. **ASHLEY**, **WHITE**, of Florida, and **LYON**, of Michigan,

Mr. **McKIM** called for the orders of the day; but withdrew the motion at the request of

Mr. **WILDE**, who moved a reconsideration of the vote of this morning, agreeing to the resolution offered by Mr. Cave Johnson.

After a few words from Messrs. **ASHLEY**, **CLAY**, and **JOHNSON**,

The motion to reconsider was agreed to, and the farther consideration of the resolution was, on motion of Mr. **ASHLEY**, postponed to Monday next.

Mr. **PLUMMER**, by leave of the House, offered the following resolution:

Resolved, That the President of the United States be requested to cause to be communicated to this House the construction which the proper department or departments of the executive branch of the general Government place upon the twelfth section of the act of March 3, 1803, regulating the grants and providing for the sale of lands of the United States south of Tennessee; the act of March 1, 1817, enabling the people of the western part of Mississippi Territory to form a constitution and State Government, and the treaties of Pontatock and Washington, made with the Chickasaw tribe of Indians, so far as relates to the rights of the inhabitants of each township to the sixteenth section for the use of schools, and the right of the Government of Mississippi to five per cent. of the proceeds of the sale of the lands for purposes of internal improvement within that district of country ceded to the United States by the aforesaid tribe of Indians, at the treaty of Pontatock creek, made on the 22d of October, 1832; and whether, in the opinion of the Executive, the treaty-making power of the United States has or has not placed a specific performance of the compact made with the people of Mississippi beyond the control of the general Government, and whether any legislation of Congress is deemed necessary to enable the Government to carry into effect, in good faith, either of the provisions of the act of 1803, relating to the sixteenth section, and the act of 1817, relating to the five per cent., or the stipulations contained in the aforesaid treaties with the Chickasaws.

Mr. P. said, as early in the history of our Government as 1785, Congress adopted the policy of granting to the inhabitants located upon the public lands, section No. 16, in each township, for the maintenance of public schools, which will be found on an examination of the ordinance for the disposal of the public lands in the Western Territory. Neither the propriety nor expediency of that policy, which has become ingrafted into our land system, have ever been questioned by the most fastidious opponents of the interests of the new States. One of the propositions, and the first enumerated in the act to enable the people of Ohio to form a constitution and State Government, offered to them for their acceptance or rejection, was, that section No. 16, in every township, should be granted to the inhabitants thereof for the use of schools, unless previously disposed of; and, in that event, other lands equivalent thereto, and most contiguous, were granted in lieu thereof for that purpose. The twelfth section of the act of March 3, 1803, extended the same provisions to the people inhabiting the district of country south of Tennessee, including the present State of Mississippi. The act of March 1, 1817, to enable the people of the western part of the Mississippi Territory to assemble in convention and form a constitution and State Government, required of them, as a condition precedent to an admission into the Union on an equal footing with the other States of the confederacy, to provide by an ordinance, irrevocable without the consent of the United States, "That they for ever disclaim all right or title to the waste or unappropriated lands lying within the said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by Congress shall be and remain exempt from any tax laid by the order, or under the authority, of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof; and that the lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the lands belonging to persons residing thereon; and that no taxes shall be imposed on lands the property of the United States; and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and for ever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State."

The inhabitants of each township within that district of country had already a vested right to the 16th section for the use of schools, under the provisions of the act of 1803. That was one of the considerations which induced the convention to relinquish those important attributes of sovereignty inherent in the people of every State or nation. Another was, that five per cent. of the nett proceeds of all the lands lying within the limits of the said Territory, which should be sold by Congress from and after the 1st day of December, 1817, should be reserved for the making of roads and canals within and leading to said State. The people of Mississippi complied with the requisitions of Congress, and on those terms she was admitted into the Union on an equal footing with the other members of the confederacy. Mississippi has adhered strictly to the provisions of the ordinance in every minute particular. The federal Government has also, I admit, acted in good faith towards that State, so far as regards the lands to which the Indian title was then extinguished, and the lands subsequently ceded by the Choctaw tribe of Indians. The question now is, whether the treaty-making power of the general Government have or have not placed a specific performance of the contract beyond her control, by a subsequent contract or treaty made with the Chickasaws. The first article of the treaty of Pontatock creek, made between the commissioners on the part of the United States and the Chickasaw nation of Indians, on the 22d day of October, 1832, and ratified by the President, with the advice and consent of the Senate, on the 1st day of March, 1833, cedes to the United States unconditionally "all the land which they own on the east side of the Mississippi river." The moment of the ratification of the treaty, the State of Mississippi had a vested right to the section numbered sixteen in each township, for the benefit of the inhabitants of such township, under the provisions of the act of 1803. The second article of the treaty stipulates for the survey and sale of the country, and reads as follows:

"The United States agree to have the whole country thus ceded, surveyed, as soon as it can be conveniently done, in the same manner that the public lands of the United States are surveyed in the States of Mississippi and Alabama, and, as soon thereafter as may be practicable, to have the same prepared for sale. The President of the United States will then offer the land for sale at public auction, in the same manner and on the same terms and conditions as the other public lands; and such of the land as may not sell at the public sales shall be offered at private sale, in the same manner that other private sales are made of the United States lands."

As soon as the land is sold in the manner prescribed in this article, that State will also have a right to appropriate three fifths of this five per cent. fund to the objects mentioned in the compact or act of admission, and to demand that the residue of two fifths should be appropriated by Congress in good faith to the Government of Mississippi. These rights on the part of Mississippi did not originate in the treaty with the Chickasaws, nor are they derived from any act of Congress since the admission of Mississippi into the Union; but they were granted to, or more appropriately reserved to, the Government of that State by the compact formed between her and the United States on her admission into the Union, in consideration of her relinquishing a portion of her inherent and sovereign rights to the general Government. Every compact or agreement between sovereign States is a treaty. The right of soil and taxation, which Mississippi yielded to the general Government, are admitted to be rights of sovereignty. These rights, which existed prior to the treaty with the Chickasaws and the survey of the lands, lay dormant in the State of Mississippi, and could not, according to a construction put on the compact by universal consent, be exercised by her until after the relinquishment of the possessory right of the Indians to the United States. The right of the State to the sixteenth section for the use of the inhabitants of each township becomes active, and may be exercised, as soon as the country is surveyed; and the right to the five per cent. accrues as soon as the land is sold. The third article of the treaty provides for the payment of all the money arising from the sale of those lands over to the Chickasaw nation, after deducting the amount of the necessary expenses. None of the lands have yet been sold by the general Government, nor have they all been surveyed. I will not be understood as intimating that it is not the intention of the general Government to comply strictly, in good faith, with every part of her agreement with Mississippi, either express or implied, made on the admission of that State into the federal Union. Inasmuch, however, as there is no express reservation made in the treaty of Pontatock, of the sixteenth section from sale, nor provision for the payment over to the State of the per cent. claimed by Mississippi, I feel it my duty, for the purpose of preventing any collision hereafter between that State and the general Government, to assert at this time her rights. Another reason for moving thus early in the matter, is the information I have received, from an authentic source, of the intention of the authorities of the Chickasaw nation to claim from the general Government a specific performance of the contract with them—that is, a sale of all the lands, without reservation of the sixteenth section, and the payment over to them of the whole of the nett proceeds of the sales, without regard to the rights of Mississippi. If the Chickasaws were ignorant of the existing rights of Mississippi, at the time they made the treaty, and understood that the whole of the ceded territory was to be sold, and all the proceeds paid over to them, the faith of the Government is pledged to give them an indemnity.

If a question should arise before the judicial tribunals of the country as to the validity of the two instruments, (I mean the compact with the people of Mississippi and the treaty with the Indians,) the decision must necessarily be in favor of the State. If it should be admitted, for the sake of argument, that the Chickasaw tribe of Indians were vested with treaty-making powers; that is, they were a sovereign and independent nation, which is necessary to authorize them to make a treaty, it could not be contended that either they, or the general Government, or both together, had the power to annul or change a treaty made with a sovereign State, so as to abridge, or in any manner affect, her sovereign rights, or the individual rights of her citizens. It is desirable, on the part of Mississippi, that she should know what course the general Government intends to pursue, in order that she may demean herself accordingly.

The resolution, according to the rules of the House, lies one day on the table.

COMPENSATION TO R. P. LETCHER.

Mr. **CLAIBORNE**, from the Committee of Elections, reported the following resolution:

Resolved, That Robert P. Letcher, having been returned as the rightful member of the House of Representatives of the United States from the fifth congressional district of Kentucky, is entitled to compensation as a member of the last and present session.

Mr. **HARDIN** said the House knew very well that, last session, he entertained and expressed the opinion that Mr. Letcher was elected as a Representative in Congress from the State of Kentucky. But the House had determined that the proof was so complicated and obscure, they could not come to any conclusion on the subject; and they therefore referred the matter back to the people, not to examine the records as to the fact, but to make a new election. Both of the candidates were brought here, and detained here, by order of the House, although the House finally determined that they could not tell which of them was elected. His own opinion was, under all the circumstances, that both of the candidates ought to be paid, or neither of them. Some delicacy, on their part, prevented them, last session, from accepting any pay; but now, unless the House paid both, as he thought they ought to do, he would not agree to pay either. He therefore moved to embrace within the terms of the resolution Thomas P. Moore.

Mr. **R. M. JOHNSON** said he hoped the amendment would prevail. The gentleman who had just sat down had fully spoken his sentiments on the subject.

Mr. **WILDE** asked the yeas and nays on the motion, and they were ordered.

Mr. **CLAY**, of Alabama, suggested to the gentleman who had moved the amendment, that it would be best to leave each case to rest on its own merits. He thought both of the gentlemen ought to be paid, but he was not willing to embarrass either claim by connecting them together.

Mr. **McKIM** here renewed the motion which he had suspended for the orders of the day, and the motion was agreed to.

POST OFFICE REPORTS.

Mr. **BRIGGS** asked the consent of the House to take up the motion which he had offered yesterday, to print 25,000 extra copies of the reports of the majority and minority of the Post Office investigation committee, together with the accompanying documents.

Objections being made,

Mr. **BRIGGS** moved the suspension of the rule; which motion was agreed to, 114 to 18.

The question being on the adoption of the resolution,

Mr. **SPEIGHT**, who had yesterday moved to print 10,000, said he was not aware when he made that motion that the documents were so voluminous as they in fact were. He was satisfied that they could not be printed within any reasonable time, and that they must be divided into different parts. When it was considered that the newspapers would publish such parts as they chose of the reports and documents, and that in that way they would obtain a general circulation, he thought a much less number of copies than that which he had proposed would be deemed sufficient. He moved 5,000 copies.

Mr. **BRIGGS** said, if he varied his motion at all, it would be for the purpose of increasing the number first proposed by him. The gentleman said that the newspapers would print as much of these reports as would answer their purposes; but, in this way, the whole matter of this interesting subject could not be laid before the people of the United States. For several years past, no subject had obtained more interest among the people than this. The people of the United States still viewed it with intense interest. The documents related to one of the Departments of the general Government; one which reached every town and country in the Union; a Department which had been charged with gross mismanagement of its affairs, and with having expended the people's money for wrong purposes. This House had appointed a select committee to investigate the subject, and the gentleman who was placed at its head was the chairman of the Committee on the Post Office and Post Roads, a decided friend to the administration. This committee commenced their duties in September last; had prosecuted the investigation with great patience and labor, and had now laid before the House the results to which they had arrived. How was the country to avail itself of these results? Was it to be done in any other way than by printing the reports and documents? The gentleman from North Carolina said that the documents were voluminous. But what did they contain? They contained the whole history of the operations of this Department. And was the expense of printing to be an objection to laying them before the public? The committee had come to results which would fill with regret the people, and the whole people, of this country. The people of all parts of the country looked to this House for information, and full information, on the subject. He, himself, he said, had had more calls for these documents than for any which had been printed this session. He would repeat, then, that, if he were to vary his motion at all, it would be for the purpose of increasing the number moved by him. Unless we printed a large number, the people never would get the information they contained. As to the newspapers, they would do what the gentleman had said they would do, publish such parts of the reports and documents as suited their purposes.

Mr. E. WHITTLESEY said he wished to remark, in reply to the gentleman from North Carolina, that the documents accompanying the reports would not be so voluminous as the gentleman seemed to suppose. A sub-committee had been appointed to examine the papers and select such as it might be thought proper to print. That sub-committee had not yet reported, but he had no hesitation in saying that there was a great mass of documents which it would be unnecessary to publish. In relation to the extent of the documents which it might be found necessary to print, he could not speak with certainty; but the main fact was conceded, that, in both reports, the facts which were necessary to their proper understanding were referred to. He expressed a hope that this debate would not prematurely lead the House into a discussion of the affairs of the Post Office Department.

Mr. BYNUM would feel, he said, that he was unfaithful to his duty, should he attempt to exclude from the people any portion of the information which was necessary for them; but it was notorious that this House had made most profuse and extravagant expenditures in printing what was unnecessary. On divers occasions he had opposed the printing of documents not more than one half of which were ever, as he was well satisfied, sent from the Capitol. In his opinion, not more than one half or two thirds of the documents now proposed to be printed would ever be sent off. Go, said he, into your folding rooms, and into almost every shop, and you will there find many of these public documents which members did not take the trouble to send out. If we were going to put a stop to the extravagant expenses of the Government, let us, he said, set the example in this House. Here there was more extravagance in the use of public money than in any of the executive departments, and it frequently met with the support of those who were most clamorous about the expenditures of the Government. The American people did not look wholly to this House to be enlightened by the documents proceeding from it; for there were public presses throughout the country, from which the people could obtain the information. It was true that gentlemen could furnish their friends with the documents; but the number thus distributed would not be more than a drop in the bucket, in comparison with the actual demands of the community. Gentlemen thought there was no way to inform the people but to send the documents to their doors. But we could not attempt to do that to any extent. All that it was proposed to do was to print a certain number, even which number, he would venture to say, would never be distributed among the people. Did we not, he said, constantly see the little boys that attend us, picking up from the floor and removing large numbers of those useless documents printed by order of the House? No one would be benefited by the printing of a large number of the documents but the printers to the House. He should vote for the smallest number named.

Mr. CONNOR did not rise, he said, to enter into the general debate. He expressed his regret that some of the concluding remarks of the report of the majority of the committee were published in one of the papers this morning. The House, he hoped, would look to the whole of the facts and suggestions of the committee, before they formed an opinion as to the character of the conclusions to which the committee had arrived. As to the size of the documents, there might be, he said, and doubtless would be, many lopped off, but still a great number must come in. Both reports referred to papers, and it was proper that the grounds on which their opinions were formed should be printed. The great and the sole object of the committee had been, he said, to arrive at, and faithfully to present, the truth in regard to the subject of their investigation.

Mr. BRIGGS here modified his motion, proposing to print twenty thousand extra copies of the report without the documents, and five thousand with the documents.

Mr. BEARDSLEY said, if the question was simply on printing the report of the majority and minority of the committee, he should say nothing. But the question upon printing the documents accompanying the reports was a distinct one, and one in which pecuniary considerations were involved to some extent. It might not be proper to say much in regard to the expenses of the House, but he thought the House should reserve to itself some part of the counsel which it dealt out to others. It was certain that the reports and documents would form two or three large volumes. His own opinion was that the sub-committee would take out but a small portion of them; that they would form nearly three volumes of the ordinary size of Congress documents; and that five thousand copies would cost from 25 to $30,000. The honorable gentleman from Massachusetts [Mr. Briggs] was of the opinion that these documents should be so widely disseminated that every man might learn, from the documents themselves, the same information which, ordinarily, they obtain from public newspapers. If so, we should print not five thousand, but five hundred thousand copies. The number proposed would furnish a few, but not the great mass of the people who wanted information on the subject. This was no argument against printing more than the ordinary number. There should be copies enough for the public press, for each member, and for some of their constituents. As to the number of the reports themselves he would say nothing. But as to the documents accompanying them, all the essential objects, by sending out two thousand copies, would be as effectually gained as by a larger number. If the motion to print five thousand copies should fail, he would, he said, move two thousand.

Mr. BURGES said it seemed to be admitted that this was an important report, and it was admitted that the people were deeply interested in it. The question was, in what manner the people should get the information. If it was left to the public press to communicate it, the people would never get it fully and impartially: the newspapers would select such parts for publication as they chose, and the people would never be able to understand the subject. If we wish, said Mr. B., to let the people know the truth, we must print and widely distribute the report. He agreed to the motion to print 30,000 copies of the report, which, he said, would cost not more than 10 cents apiece. It was not for the paltry consideration of a few dollars that this House should withhold light from the people on a subject in which they were so much interested as in this.

Mr. LANE said that, believing as he did that the report was interesting and important, the result of a laborious investigation by a committee of this House—a result to which the people looked with solicitude—he felt bound to vote for printing the largest number named by the gentleman from Massachusetts, [Mr. Briggs.] It had been said by several honorable gentlemen that the newspapers would publish all that the people were interested in knowing, and therefore any extra number of copies would be a useless expense of public money. It was well known that the newspapers would publish such extracts as would suit their own views, and the result would be to confuse, not to inform, the public. Justice to the people and to the Department requires that the entire report should be exhibited. He wished that it was possible to place it in the hands of every individual, that each might examine and decide for himself. It had been said that the people would not read the report, if placed before them. The people are not so indifferent about the administration of any department of the Government; much less so as to the administration of the General Post Office, which addresses itself more immediately and more universally than any other to their feelings and interests. They will read it with care, and they can best judge of its course who see its operations and feel its benefits. Shall the important conclusions of this committee go forth in the newspapers unaccompanied by the facts which indicate the origin, the progress, and the extent, of the evils that are mentioned? Shall the responsibility of these evils be thus unjustly cast upon the persons administering the Department, instead of the true cause—the defects in the organization originally prescribed by law? The same errors have existed from the origin of the Department. The immense increase of mail routes, called for by the rapid improvement of our country, and incessantly urged by members of this House, have developed their injurious practical operation. The distinguished individual who directs that Department has merely followed in the footsteps of his predecessors in office. Anxious to administer the Department so as to extend its benefits to every part of our country, the defective legal organization has prevented him from keeping the immense business of the Department under his own eyes. It should be clearly understood and carefully remembered that these errors have been confined mainly to a subdivision, to the fiscal branch of the Department. Whenever errors have been made obvious, I understand that they have been remedied, as far as was possible, under the present laws. During the last two years, most of the errors admitting correction have ceased to exist; and to those acquainted with the business of the Department, in two of its most important divisions, it is well known that an energetic and accurate system has been applied, that, under proper legal provisions, will enable the Postmaster General to place the Department on that high ground suited to its importance. Enable the people to make these discriminations. The friends of the Postmaster General, the supporters of the administration, are those most interested in the wide circulation of this report. Shall it be said that a democratic majority, whose leading principles are the correction of abuses, the simplification of public business, and its full exhibition to the people, object to the publication of this report? He trusted not. The inquiry had been made by direction of a democratic majority of this House; the report had been made by the democratic majority of that committee: it exhibited abuses which had existed under every administration. On that report it was our duty to act. Let the report go to our constituents, that they may judge whether our conduct in reference to these abuses keeps pace with the professions by which we are pledged to reform them.

Mr. CROCKETT said it had already cost more than twenty-five thousand dollars to get this report; and of what use would it be, he asked, unless it was sent out to the people? Some time ago he had preferred charges against the Post Office Department, and then he was almost hissed at for doing it; but now he found that his charges were more than sustained by the report of the majority of the committee. The people, he said, trusted to this House, and to that factious body, as it was called, the Senate, for information. They wanted information from their own Representatives. What had been charged against the Department was more than verified by the majority report, and he hoped fifty thousand copies of both of the reports would be printed. What were fifty thousand copies? They would only give us two hundred and fifty copies each for distribution. He did not care about the accompanying documents, but moved the printing of fifty thousand copies of the reports.

Mr. H. EVERETT expressed his surprise at the estimate made by the gentleman from Tennessee, of the expense of obtaining the report. Instead of twenty-five thousand dollars, it was probably about two thousand five hundred dollars.

Mr. STODDERT did not, he said, rise to object to the number of copies proposed to be printed. He was never opposed to the diffusion of light among the people. It had never, he remarked, occurred before, that a committee constituted as this was, of different political parties, and formed at a time of high party excitement, had so generally concurred in facts, and harmonized in results. He conceived that the reports contained the evidence of the facts in an intelligible form; and one of the most arduous duties of the committee was to collect from the mass of facts the kernel, and throw away the husk. Whatever number of reports might be printed, it was therefore useless to print more than the usual number of documents. In any argument on the subject, the reports, and not the documents, would be referred to for facts; for there was no discrepancy between the statements of the two reports.

Mr. BARRINGER said he would agree that it was not important that a great number of the documents should be printed; but it was certainly proper, for the purpose of sustaining the statements of the reports, to print a sufficient number of the documents to supply a number of persons in each congressional district. The number of documents which was proposed to be printed (five thousand) would afford but twenty copies to each member. In some districts, this number would allow but one copy for each five hundred voters, and in other districts it would not supply the publishers of newspapers.

A less number than five thousand would, therefore, he thought, be totally inadequate and useless. The number suggested by the gentleman from New York (two thousand) would afford less than ten copies to each district, and, where a district was composed of several counties, would not be more than sufficient for one county. He would desire to circumscribe the number within reasonable limits; but he thought the House had better print none of the documents at all, than a less number than five thousand.

Mr. H. EVERETT rose, he said, to make a statement of the expenses of the investigation which resulted in these reports, not having been understood when he was up before. Each member of the select committee received five hundred and sixty dollars, and their aggregate pay amounted to four thousand nine hundred and twenty dollars. The whole expense of the investigation was about seven thousand dollars.

Mr. HAMER said: If there was any business which ought to be done by human beings in the dark, it was not the business of legislation. Those who undertake to prescribe rules for the action of themselves and others, ought at least to have some light upon the subjects with regard to which they propose to legislate.

It had become a very common thing to traduce the Post Office Department. It was fashionable to condemn it. There seemed to be a general inclination to bear it down. For one, he was not disposed to join in the general "hue and cry" against the Department. He concurred entirely with his honorable friend from Kentucky [Mr. JOHNSON] in the observations he let fall the other day. He had known the Postmaster General long, and known him well. He had the most implicit confidence in his honor and integrity, both as a public man and private citizen. Entertaining this opinion of him, he would not condemn him until he had the most unquestionable evidence of the impropriety of his conduct. He said he did not know, and therefore would not say, but there might have been subordinate officers in the Department who were not honest. He would not say, for he did not know, but these subordinates might have presented statements to the Postmaster General, which had deceived him, and upon which he might have made orders that were detrimental to the public interest. But it is time enough to condemn him when we have heard the proof. It was time enough for him to condemn him when he had heard the evidence and heard the defence, and the commentary upon that evidence. When the whole subject shall be presented, the reports printed and laid on our tables; when we have had time to read and deliberate upon them, and have heard the Department in reply, then we should be prepared to act. Whatsoever is wrong, said he, I shall be among the first to condemn. If any thing be wrong, but has circumstances connected with it which ought to be received as palliations, I shall insist upon those circumstances having due weight. But whatever is right, although alleged to be wrong, whether the charge be made by political enemies, or those who were political friends upon the surface, he would be prepared to defend to the last.

What are we about to do here? We are asked to vote for the printing of fifty thousand of these reports, without knowing one word of their contents. They have not been read. All we know of them is, that they are against the Department. Sir, I go against this system. I will not thus legislate in the dark upon any question. What have we seen in another part of this Capitol? I speak of what I learn from the newspapers; every body knows they are good authority. A report was made there by a majority and a minority of a committee. Before they could be printed and laid upon their or our tables, a bill is passed, which has come down to this House, to reorganize the whole Post Office Department. Thus passing a sentence of condemnation upon it without an examination of the reports of their committee, or hearing one word in defence. Thus declaring that the whole Department is so rotten and corrupt that reformation is impossible; and it must, therefore, be thrown into the mill and ground over anew. The passage of the bill is claimed by the party press of this city, and understood by the country, to be such a condemnation. Are we to follow this example? Is this the system to be established in this country? Sir, said he, I have the most perfect respect for the members of the committee who made these reports; but I will not legislate upon the report of any committee without hearing the other side. Have they not examined witnesses against the Department, without the persons implicated having an opportunity to cross-examine? May not many things, seemingly wrong, be satisfactorily explained by cross-examination, or by further testimony? Let us hear before we strike. Whoever heard of a great Department of the Government being reorganized, without consulting the head of that Department? If there be defects in its organization, who so competent to point them out, and suggest improvements, as the man whose experience has brought them repeatedly before him?

Does any one believe that, if we order 50,000 copies of these reports to be printed, we shall receive them during the present session? Every man here knows we shall not. Do we not know that the reports ordered to be printed by the Senate, at the last session, were travelling through the country during the whole summer? They had to be sent first to the members, and then taken up, franked, and sent off by mail again to different portions of the country; thus aiding to burden and break down the very Department which they assailed. It will be an immense expense incurred, for no real substantial benefit to the country.

We are all aware that abstracts of these reports will be circulated in the newspapers every where, for the information of the people. Now, there ought to be a sufficient number of the reports through the several districts of country to enable any one to correct errors or misrepresentations that may creep into the abstracts. That is enough: all beyond that is unnecessary. I shall therefore vote for the smallest number proposed.

Mr. REED, of Massachusetts, said he was in favor of the larger number proposed. He was surprised to hear the gentleman [Mr. HAMER] talk about "hearing before they should strike." What course would the gentleman have had the House take? Did it not appoint a committee of investigation, a majority of whose number were known to be friends of the administration and friends to the Post Office Department? And was it not the report of such a committee, so constituted, which it was now proposed to print? Had not the committee been six months engaged in their task? Was not that time enough to look into the state of the Department? "Hear before you strike!" What blow had been struck, or was attempted to be struck? If the gentleman insisted upon "hearing" before "striking," let the country "hear!" That was all he asked. The gentleman seemed to think that the condemnation of the Postmaster General was aimed at; but what was the tenor of the reports made to the House? Did they not agree? Was the gentleman going to dispute the facts they stated? Did he mean to say their statements were incorrect? Mr. R. considered it a peculiarly happy and auspicious circumstance that they did agree. It was too generally the case that persons of opposite parties never could agree; but here were a majority and minority who arrived at the same conclusion. The gentleman had eulogized the Postmaster General. Mr. R. did not contradict what he had said. All he wanted was to give the country the whole truth, whatever it might be. Let them see the report as a whole, and not a garbled extract. Give them all the facts, and then let them judge the Postmaster General. The gentleman was a little premature. Was any gentleman prepared to say the information in these reports was not to be relied upon? Would the gentleman undertake to impugn it? And, if it was true, the country wanted to see it. It was information in which the whole country was interested: it came home to the business and bosom of every man. And let him tell the gentleman there were not a few in all parts of the Union who would examine it with care. If the Postmaster General had done well, let him have ample justice; the facts would, in that case, be his best justification. But, besides that officer, there were connected with the Department 10,000 postmasters. Mr. R. wanted every one of these men to have a copy of these reports in his hand. If abuses had been corrected, let them see and hear, and understand the whole. Why were gentlemen so exceedingly alarmed at the expense of printing these reports? If evils existed in the Department, let them be known and corrected. Let the Department be renovated—regenerated. As to the suggestion that, if the reports should be printed, they would never be distributed, he had no fears on that subject. Gentlemen seemed to think that the documents printed for the House were never distributed, because gentlemen could not find time to direct them at their seats in the House; but they were greatly mistaken; they were distributed. But the gentlemen, he fancied, would find their constituents asking for the report, and reading it with avidity. The people wanted to know the truth. Mr. R. was astonished that, after a document had been obtained at so great a cost of time, labor, and expense, gentlemen were not willing to print it! He was surprised to hear them advocate the propriety of sending the people garbled extracts through the newspapers. He was for no such party proceedings. Let the nation have the report as a whole; let them have the views given by both sides, and then let them form their own judgment.

Mr. SMITH, of Maine, said: Mr. Speaker, I think it was well remarked that it became this House to look well to its own extravagant expenditures at the moment when they are about to impute to other Departments of the Government extravagances of an extraordinary character. Sir, I ask the gentlemen who propose to print the extra number of these documents proposed, whether they have counted the cost. Has any gentleman who has addressed the House in favor of so large a number made an estimate, satisfactory to his mind, of the amount of cost which he proposes to impose upon the country? I have made an estimate which, to my mind, is satisfactory against the printing of either number of documents proposed. I lay aside the number suggested by the gentleman from Tennessee, [Mr. Crockett,] as being wholly beyond the inclination, probably, of every other member of the House. I take the proposition of the gentleman from Massachusetts, and invite the House to consider for a moment whether it be not of an extravagant character.

I understood the proposition to be to print five thousand extra copies of each report, and the several documents appended thereto. The House has already been informed, by one of the honorable members of the Post Office Committee, [Mr. Beardsley,] that these reports and accompanying documents will certainly make two full-sized octavo volumes; consequently, this will make ten thousand volumes. Other gentlemen, however, have said that they will amount to three volumes; but I take the lowest estimate. Now, these ten thousand volumes will cost no less, upon an average, according to the best information I have been able to obtain, than three dollars per volume; for a smaller number, say six or seven hundred, which is the ordinary number, the cost per volume will be nearer five dollars. Take the number proposed, in all probability the price cannot be reduced to less than three dollars per volume, and here is at once a cost of $30,000. The gentleman further proposes to print twenty thousand extra copies of the two reports alone, without the documents. It has been said that even these will make a volume of from 150 to 200 pages; and if we estimate the cost at only a dollar a volume, you will have an addititional charge of $20,000, at the least, making an aggregate of $50,000 for the publication of one single report!

Sir, let me ask, are gentlemen prepared for this? Is the country prepared for this? Suppose you even go to the extent proposed, what good will be produced? Five thousand copies of the entire work, divided among the members of this House, will not nett to them, after reserving the necessary copies for the Capitol, more than ten sets to each member; and of the twenty thousand reports, the nett amount of each member for his district will fall short of forty copies. Now, then, after you have expended your $50,000 in the publication of this report, and you get forty copies of the report without the documents, and ten copies with them, for each district, put the question home to the constituents of any gentleman, and ask them whether they approve of such an expenditure under the pretence of furnishing such limited means of information to their district? Whatever the motive may be, they will denounce it as an extravagant expenditure.

But, say gentlemen, the information cannot be given through the newspaper organs. Why not? Does any gentleman doubt that all the material information in each of these reports will be furnished to the people through the newspapers? What is the objection? Why, forsooth, that they will garble, (to use the language of the gentleman from Massachusetts,) that they will garble the reports, and present only such extracts as will suit their own individual feelings or purposes. But the same gentleman has also told us that the report is of such an extraordinary character that it comes with the concurrence of both branches—the majority and the minority of the committee. Why, Mr. Speaker, if the report be the result of so much unanimity, where can be the danger or apprehension that garbled statements will be made, and the people misled? The very character of the report, as represented by those in favor of the larger number, precludes the possibility of the danger suggested as an argument in favor of printing that large number.

But, again, sir; the report being in itself the result almost of unanimity in the committee, and it being agreed, on all sides, that all that is now necessary is legislation, where can be the great utility of multiplying copies of this report at such an extraordinary expense to the treasury? Let me submit this proposition to those gentlemen who are for printing so large a number, since it is acknowledged on all sides that legislation only is now necessary, whether it would not be better for this House to legislate and perform its own duty, and then distribute among the people the results of our own labors, rather than distribute among the people information as to the mode in which we have performed those duties? Let the gentlemen do this, and I will go with them heart and hand in multiplying copies to any extent. But, no; notwithstanding gentlemen are prepared to admit that there is a defect in the Post Office law; notwithstanding they are prepared to admit that legislation is what is necessary; notwithstanding all agree that legislation must be the next step upon this subject, instead of going to work and legislating, and supplying the needful for the best interest of the people, they stop short by multiplying reports upon reports, exposing the necessity of such legislation. Sir, does, this look like a commendable pursuit for the best interests of the people? It is withholding from the people that to which they are entitled.

But there is another objection to the printing of so large a number of these reports; and that is, overburdening the mails, and thereby increasing the difficulties and embarrassment of a Department you say is defective already. You are about to impose an additional tax upon it, in order to weigh it down; for it is a tax upon the Post Office Department to require it to distribute so large a number of heavy volumes throughout the country. I respectfully ask, if it be the intention of gentlemen to break down this Department, at all events, by imposing upon it additional burdens, while they, at the same time, admit it is already unable to sustain itself now? Sir, the very expense of distributing those volumes is, in itself, sufficient objection; especially as there cannot be a doubt that all the information will come to the people through the ordinary channel--the public press.

Another reason has been given in favor of the proposition, that there is an extraordinary excitement throughout the country upon this subject. That the people want information about it. Let me ask, sir, how has this excitement been produced? Does not every gentleman understand perfectly well how statements are manufactured and worked up so as to produce excitement among the people? Need I remind them of the events of the preceding year? But, sir, call the attention of this House to any one Department of the Government, and lay bare its extravagances; open the blinds and windows, and let the people look in fully and freely, and you will create an excitement. I fear not to say that I do not believe there is a single Department of this Government which, if laid bare to the people, would not produce excitement; yet gentlemen cry out upon the Post Office Department alone, and hold it up as a subject of every exaggeration, while at the same time they seek to throw upon it the additional burden and expense of distributing thousands upon thousands of ponderous documents.

Mr. Speaker, suppose the people could examine the extravagance of our own House in the matter of printing alone; think you, sir, they would not be excited? If they will turn to the sixth document published at the present session of Congress, in which the Clerk of this House exhibits the expenditures of the House, they will discover that, up to the 30th of November, last year, the expenses of the last session of this very Congress, for printing alone, were $71,725, and the printing ordered last session had not then been completed. Prior to this time, many additional thousand dollars have been expended to complete the printing ordered last session. Why, this amount is almost enough to place the Post Office Department high and dry, and beyond the reach of embarrassment. Besides, what do we propose to effect by the distribution of these reports? I will not go so far as to say that we propose to do away with the possibility of legislating in reference to the Post Office Department at the present session; but all we do propose is to lay open the enormities and abuses of that Department, and to do this we are to expend an additional sum of $50,000, and then not be able to furnish one out of five hundred to our constituents. Why, the extra expenses of the Post Office Department, about which gentlemen have been so much disposed to complain, have been, in a great measure, occasioned by the extra number of documents which this and the other House of Congress combined, have ordered to be printed and distributed throughout the country.

Your mails are laden down with your extra documents, and what is the necessary consequence? Why, that the mail contractor comes forward and complains, saying to the Department, "since I entered into my contract the weight of the mails is increased fourfold, and it is utterly impracticable for me to continue carrying them for the sum agreed upon; I must therefore have an extra allowance, or else I shall be compelled to give up my contract; and, if I do, no man can come and do it even at the extra sum." Who is to blame? Not the Postmaster General. If the necessity exists, and if Congress, or either branch of it, persists in loading down the mails with heavy, voluminous, and, in some instances, useless documents, extra allowances must be given to the mail contractors for carrying them. Thus the evil falls back upon ourselves, and if the people of this country have not already reflected sufficiently upon the subject, so as to understand it, the time, I trust, is not far distant, when they will so understand it; and, in the same proportion as you overload the mails with these extra copies of ponderous documents, will members of Congress themselves be held accountable by the people, and the Post Office Department be acquitted, even if it be overwhelmed in bankruptcy. This would be no more than justice.

In conclusion, Mr. Speaker, I will reiterate that I am opposed to the printing of any extra number of these reports beyond the number specified by the gentleman from New York, [Mr. Beardsley,] who, as one of the committee, we may suppose is conversant in the matter, and who thought 2,000 would be sufficient.

Mr. E. WHITTLESEY said that he rose to correct one error into which the gentleman from Maine [Mr. Smith] had fallen, viz: that one great cause of burdening of the mail, and the consequent extra allowances, was the transportation of documents published by order of that House. The gentleman was mistaken. There had been no such evidence before the committee. No such fact had been proven. He knew that there had been such a pretence, and, especially in one particular case, postillions had been sent on with forty teams; but, on investigation, it turned out that the whole rested upon a representation of the contractor himself. Mr. W. repeated that no other fact had been proven. He was unwilling that any such assertion should go abroad uncontradicted. But if gentlemen would make such assertions, about what they knew nothing, he should take the responsibility of contradicting them; and, if they would enter into the facts contained in the report, he was prepared to follow them, and should do so, if the discussion occupied the residue of the session.

Mr. MERCER said he should have been glad if the gentleman from Maine [Mr. Smith] had taken the advice which he so gratuitously gave to the House, viz: not to take up its time in debating the affairs of the Post Office. He was himself in favor of the proposition of the gentleman from Massachusetts, [Mr. Briggs.] He should like to know of what personal advantage it could possibly be supposed to be to any member of the House to have a large rather than a small number of copies of these reports distributed and sent abroad. Did gentlemen take so much pleasure in franking documents? Was it so very grateful a task to occupy hours together in directing bundles of papers? To him it was one of the most unpleasant that could be mentioned. No task could be more delicate or more painful than to make the discrimination which was unavoidable in sending printed documents among his constituents. If popularity was the object, so far from its being secured in this way, this very matter of franking documents was one of the most certain ways to impair it; for, he would venture to say that, where a member of Congress procured the good will of one man who received a document, he lost that of three others who received none. The House, therefore, could have no personal interest in desiring a large number to be printed. If it was sought at all, it was sought with a view to the public good; and the expense, whether greater or smaller, was incurred altogether for the benefit of the people. If gentlemen who were opposed to extravagant expenditure choose to complain of the gorgeous trappings which surround the Speaker's chair, a species of finery more worthy of a company of strolling players than of the dignity of that House; if they were disposed to complain of the expense of that useless hall, more fit for any thing than for the debates of such a body, he was ready to concur with them. But the people would never call it extravagance to expend money in putting into their hands interesting information in relation to the affairs of the Government. The charges and insinuations of the gentleman were altogether unfounded, and the current of public opinion was not to be directed against that body for such an application of the public money.

Mr. **MILLER**, of Pennsylvania, rose, not to protract the debate, but to inquire of the Chair what was the exact state of the question before the House.

The **SPEAKER** having responded to his inquiry, and stated the several motions which had been made for different numbers of copies of the committee's report—

Mr. **CROCKETT** moved that 50,000 copies of both reports, with all the accompanying documents, be printed for the use of the House.

Mr. **BURGES** said that he rose, not to prolong the debate, but to express his indignation at the broad insinuation made by the gentleman from Maine against that House. He would not call that insinuation by its proper name; but he would express the indignation he felt, that gentlemen who were the personal conductors of the public press, and who had a deep personal and party interest in having the newspapers the only vehicles by which the knowledge of public affairs went to the people, should undertake to be the guides and advisers of the House when it was proposed to print important documents for public distribution; more especially gentlemen who, in their statements of facts, were so very imaginative as the gentleman on the other side of the way had shown himself to be, in what he had said about loading the mails. And Mr. B. would say, for the special use and benefit of the gentleman from Maine, [Mr. Smith,] that he for one had no wish to be instructed by any such persons. From the assertions which the gentleman had made about extra allowances being made on account of documents printed and sent abroad by that House, the gentleman seemed to be in the habit of thinking for horses, rather than for the people. If the human mind lived upon truth, as its best and only wholesome aliment, then the best use to which the body of animals could possibly be put, was in furnishing instruction to the nation at large.

Mr. **MANN**, of New York, said that he did not wish to lengthen the debate, nor would he venture to do so, lest he might subject himself to be lectured, like the gentleman from Maine had been, upon his duties upon that floor. He must confess, however, that he had been usually in the habit of expressing his own sentiments in debate, without much regard whether they happened to suit the views of other gentlemen or not. The proposition before the House was to print 5,000 copies of these reports, with the documents. One gentleman told them that these would occupy three octavo volumes. He heard another say that they would occupy five. But, assuming the lowest number, it would require 14,800 volumes. Now, Congress had long been collecting a public library, such as comported with the dignity of the Government, and was an ornament to the Capitol in which it was deposited. It contained, as he was informed, the documentary history of nearly all the civilized nations of the world, besides a vast amount of miscellaneous information on all subjects. Yet that library contained but 22,000 volumes in all. And it was now proposed to print 14,000 volumes of these Post Office documents—a quantity of books sufficient to line the hall in which they were sitting; and this for the purpose, as he supposed, of protecting the freedom of the press in the District of Columbia. The House had been told by the gentleman from Massachusetts [Mr. Reed] that their constituents would read all these volumes. The gentleman was quite sure that his own constituents certainly would. Now, Mr. M. would hazard the assertion that that gentleman himself, though a member of the House, had never read an amount of public documents, amounting in all to three such volumes, in the whole course of his congressional career; and he greatly doubted whether there was a single member of the House who would have the patience to read these documents after they were printed. There could be no utility in adopting the resolution, unless the object was to extend additional patronage to those who were employed to do the printing of the House. Every body knew how much time was usually devoted by members of Congress to the reading of public documents, even while they remained at the seat of Government, and still more at their own homes; and he thought there could be no use in expending forty or fifty thousand dollars of the public money to patronise the printers of the House, and furnish them with a convenient job which should occupy their leisure all the summer. For what valuable purpose would they burden the mails (and the gentleman from Rhode Island might take what exception he liked to the suggestion) by loading them down with a mass of books equal to the whole library of Congress? He was perfectly willing to give every information in his power to his constituents, consistently with his views of public duty; but not believing that any good consequence could result from such an unnecessary multiplication of copies of this document, he could not consent to vote for the resolution. He hoped that not more than one thousand copies, at the utmost, would be printed. This would be sufficient to employ gentlemen, and would furnish them with quite as much as they could frank, or their constituents read.

Mr. **BRIGGS**, of Massachusetts, said that, if the gentleman from New York, who had just taken his seat, meant to insinuate that any such motive as extending patronage to printers had entered into the proposition he had presented to the House for the printing of an extra number of these reports and documents, he was widely mistaken. Nothing had prompted Mr. B. to move the resolution but a deep conviction that the importance of the subject to which these reports referred demanded the widest diffusion of them amongst the people; and he would give that gentleman to understand that he was not to be deterred from the course of his duty by that gentleman's, or any other gentleman's, ringing in that hall the tocsin of party. The proposition was to print truth; its object, and its only object, was to send truth to the American people. If the gentleman dared not let them see the truth, let him shrink. Mr. B. cared not who printed these papers; nor was it of any personal consequence to him how many were printed, but their contents were deeply interesting to every man in the country; and he had thought, and still continued to think, that 5,000 copies was a proper number. One word to the gentleman from Maine, [Mr. Smith.] That gentleman had entered into a cool, profound, mathematical calculation in respect to the cost of this printing, and it had brought him to the wonderful result that it was likely to cost each one of his constituents the sum of nearly four mills. Yes, it would cost four mills per head, and the gentleman started back in surprise and horror at so wasteful an expenditure. The gentleman had urged another argument: he thanked him for it, and if he could tell it to all that gentleman's constituents, they should speedily hear it.

He said that, if the people could look through the windows of any Department of this Government, and witness what was passing within, they would instantly be excited. A window had now been opened in one of these Departments, and the gentleman, acting on his own doctrine, was most anxious to shut it. The gentleman's maxim seemed to be, Shut out the light, and then you will keep the people calm. What! Let the people know how their money is expended in the Departments? How perilous! What! Would gentlemen excite the people, by letting them see the expenses of the Government? Oh! no. That was not the way to keep them quiet. Mr. B. did not doubt that the gentleman spoke in the very sincerity of his heart. And, what was more, he did not doubt the gentleman had spoken the truth. They would have just reason for excitement, when they came to understand in what way their money had been sported with.

Mr. B. was not for keeping them in darkness. He would tear away the blinds from those windows the gentleman so much dreaded. He would let the people place their eyes there, and let them look through every nook and corner, and winding avenue, and secret passage. If all was right, and all was just, where was the ground of alarm? If their money was rightly used, they would never refuse to give it. Especially would they never resist its being employed to enlighten their own eyes. The expenditure, whether great or small, was called for; it was proper; it was necessary. He was happy to hear from the gentleman from Maryland, [Mr. Stoddert,] that both parts of the committee were agreed as to the facts of the case. Those facts were all he wanted. He had not averred that there was any corruption any where; he had brought charges against no one; but he did want that the American people should see, by the only medium by which it was possible for them to see, the true and actual state of the Department.

Mr. JOHNSON, of Louisiana, rose to reply to a remark which fell from the gentleman from Maine, who has said that it is admitted on all sides that, in relation to the subject under consideration, nothing but legislation is required. He had made no such admission, nor did he believe that the abuses of the Post Office Department, so loudly complained of, are to be attributed to any defect in the existing laws organizing the Department. Under those laws the former Postmaster General had ably administered the Department, which he left in the most flourishing situation, and in a condition to yield a considerable revenue. What, he asked, is its present condition? It is in a state of bankruptcy—debts exist against it to an enormous amount, and some of the facilities it afforded have been discontinued without proper cause. Thousands of dollars have been expended by the present Postmaster General, contrary to law, and in violation of his duty. Now, if the reports and documents accompanying them should not be communicated to the people, it might be inferred that the charges against the Department are to be attributed to the want of legislation; whereas it is apparent that the gentleman now at the head of the Department, however amiable and virtuous he may be, is wholly incompetent to discharge the duties of that important office, and to that cause he mainly attributed the mal-administration of the Department. But to whatever cause the abuses complained of are to be attributed; whether to the ignorance, corruption, negligence, or want of business habits, of the Postmaster General, the effects to the nation are the same; and public sentiment will not be satisfied until the office shall be filled by a man more capable of fulfilling its duties. He said that, notwithstanding it had been a matter of notoriety for several years, that abuses existed to an alarming extent, and that the Department required reform, the present incumbent, who is evidently incompetent to the office, had been continued, and in violation of public sentiment. And, if the Department should now be reorganized, what reason can we have to believe that a change will be made in this respect? Further legislation may be expedient, but no law that can be passed will remedy all the evils of which the people have a right to complain. The incompetent incumbents of the Department should be dismissed, and their places filled by the appointment of others more capable of discharging the important duties of their situation. This course, if adopted, would be the most effectual. To effect the object, public opinion should again be called to the subject. Let the reports of the committee, with all the accompanying documents, be printed, and laid before the people. They should be transmitted, not only to all the deputy postmasters, but sent into every county in each State of the Union. No subject can now be more important or interesting to the people. It is not probable that the reports, with all the documents, will be inserted in any newspaper. The information contained in them cannot be communicated in that way. He concluded by saying that he should vote for printing the largest number proposed.

Mr. BOON said that he wished, before he voted, to say a few words to Buncome. Gentlemen said that this was an important question, it was an exciting question, and that the people needed information. Granting all this, there was still another thing that the people would prefer to mere printing of any kind. Giving information about abuses was not remedying abuses. What his people wanted was the remedy. The gentlemen from Massachusetts [Mr. Briggs and Mr. Reed] had told the House that they wanted this printing for the people, because the people wanted information. Now, it was pretty well known that he (Mr. B.) was a people's man, though he was not in the habit of reiterating the assertion on all occasions, lest it might subject him to the imputation of being a political demagogue. But if gentlemen seriously desired to extend this information to the people, let them print a document for every man in the Union. If they were willing to carry out their principle, he should not oppose it. But if they would not do this, then he should vote for the lowest number that had been named.

There was another feature in the resolution which he could not assent to. It was proposed to print a larger number of the reports than of the documents accompanying them. Mr. B. was against this. Why send the people a report without the documents to prove it? Would the head of the Post Office Department, a gentleman who had been the subject of so much abuse, be likely to obtain justice by such a course? He would not. Mr. B. would, therefore, vote for the lowest number. He would not withhold information from his people, but they would rather have the remedy than any thing else.

Mr. JACKSON, of Connecticut, said there was one aspect of this question which had not, he believed, been adverted to, but which struck his mind with peculiar force, and that was the great comparative importance of the Department to the nation. If we could imagine a state of things which should suspend, for a limited time, the operations of any of the Departments, was there one of them, he asked, whose interruption would be so immediately, extensively, and materially felt as that of the Post Office? All the great and diversified interests of the country were intimately connected with and dependent upon it, and while the injury or inconvenience resulting from the obstruction of any other organ of the

Government would be comparatively partial and limited, they would, in the Post Office Department, occasion a universal derangement of private and public business. If, then, it was important at all that the people should receive light upon matters before their Representatives, was there any case in which that illumination could be more proper, and more desirable to them, than one which comes home to and affects so sensibly their daily concerns. Admitting, for argument sake, that there had been sometimes extravagance in the printing of documents, by order of the House, the objection could not apply to a case involving so deeply the public interests. Nor was it right to limit our use of the information contained in the reports to mere legislative action for the reorganization of the Department. If there had been malversation or corruption, the people should know it, and we had no right to withhold from them any results of the inquiry which we had publicly instituted into a Department of the Government so vitally important. Mr. J. said he was not disposed to adopt the largest number proposed, deeming it unnecessary and extravagant; but the proposition of the gentleman from Massachusetts being, in his view, within reasonable limits, it should have his support.

Mr. VANDERPOEL said that he had listened in silence to the course of the debate thus far; nor did he now rise with the purpose of speaking for any length of time. He had ever been opposed to propositions for the printing of large numbers of public documents. He had listened with infinite delight to one document (Mr. Adams's speech on the life of Lafayette) of which the House had ordered 50,000 copies to be printed. He had felt proud, as an American citizen, of that production: yet, highly as he thought of it, he had voted for the smallest of the several numbers then proposed. Gentlemen might say that this was a small matter: but he could not think so; because a principle was involved. The distribution, print as many as they would, must be very partial, and as the expense had to be defrayed out of a general fund, it was taxing the many for the benefit of the few. Suppose thirty or forty thousand volumes should be printed, how many of their constituents would have an opportunity to read them? How many in proportion must be taxed? The documents would form huge volumes, solid, ponderous tomes, and it was proposed to print 15,000 of them, at the least. Now, how many of them would ever be read? Did gentlemen forget that the House had, at the last session, ordered the publication of all the documents touching the election of Messrs. Letcher and Moore; that was a judicial case, too, in which it became the duty of every member to weigh the evidence as a judge; and yet how many gentlemen had ever waded through all the trash then printed?

The House was now told that there was entire harmony between the reports of the majority and minority of the Post Office Committee; if so, where could be the necessity or use of printing 14 or 15,000 of these ponderous volumes? To be sure it would patronise the public printers. Mr. V. was fully aware that the gentleman from Massachusetts [Mr. Briggs] professed no very great regard to economy in the public expenditures; it was no part of his system. If those expenses could be swelled by the addition of $50,000 every year, it would only help to add impetus to the looms and spindles of the gentleman's constituents. The gentleman would, on principle, go for the largest number the House would consent to print. But Mr. V. appealed to all those who went with him for economy, to arrest this wanton expenditure. It was said that the sum was small, and that the people felt great anxiety to get a sight of these documents. Why, did any gentleman pretend to believe, if these volumes were printed and distributed, that the man who was lucky enough to get one would be viewed by his neighbors as a sort of oracle, so that they would all run to his house to read it? The idea was preposterous. Whether the result of the reports was for or against the present incumbent of the Department, he did not care; that was not the question, and had nothing to do with it. The question was whether the people would be so instructed, by the printing of those 15,000 volumes, as to justify the enormous expense of the publication. Gentlemen seemed very much afraid to trust the newspapers, because they would only give extracts; but why this fear, when both committees were agreed, and told the same story? The very oration of which 50,000 copies had been printed for the House, was to be found at large in the newspapers. All the last summer the mails were groaning with loads of documents going from this Capitol all over the country, that were of no earthly use but for kindling fuel.

Mr. CROCKETT now withdrew his motion for 50,000 copies.

Mr. SLADE said that he was greatly surprised at the objections which were made to the printing of these reports, and still more, considering the quarter from which they came. What were the facts of the case? At the last session a report had been made by a committee of the Senate on the state of the Post Office Department, and no sooner had it appeared than the greatest excitement was created, both in that House and throughout the country. A proposition had consequently been introduced by the chairman of the Post Office Committee in that House, to raise a committee there also to investigate the condition of the same Department. This was understood to be a movement of the friends of the Department.

[Mr. Connor, chairman of the Post Office Committee, here interposed and said that, in making the proposition for a select committee, to which the gentleman from Vermont alluded, he had acted by order of the committee; the measure was theirs, and he was only the organ of proposing it to the House.]

Mr. Slade resumed. He was aware of its being the act of the committee; but a majority of the committee were the friends of the present administration, and therefore it was viewed as a measure of the friends of the administration—a plan to have the examination conducted in their own way. Mr. S. had been entirely willing that it should be so conducted; because, had it been the work of those who were understood to be opposed in political views and feelings to those who now conducted the Government, the examination might be supposed to have been conducted with a bias, and its result not therefore to be relied upon.

He therefore had been desirous that the examination should be conducted by the avowed friends of the Department. A select committee had accordingly been raised, and this committee of examiners did consist of a decided majority of gentlemen friendly to the administration and friendly to the Post Office Department. He made no objection to such a constitution of the committee; it was all strictly proper. This body of gentlemen had labored assiduously for six months, and they now rendered to the House the result of their toils. Whose result, therefore, was this? It was clearly the result which had been arrived at by the administration party themselves. Yet gentlemen belonging to that party were now with one voice opposing the publication and dissemination of the report. Did they consider in what light they were presenting themselves before the people of this country? The investigation had been made by their own avowed friends; and yet, when the report came in, from whom was the strongest objection urged against spreading it among the people? By the very men who had originated the investigation; by the warmest friends of the administration. He was astonished at such a spectacle. Was it not the natural presumption that a report from the friends of the Department would go to exonerate the Department from the charges of its adversaries? Yet it was its friends who opposed the printing! Had the report come from men on one side only, there might be less mystery in this; but here were two distinct reports, one of the friends, the other of the opponents of the administration, and both agreed in their results. Yet this result must be hidden; kept in the dark: to print it, and send it to the people, would be wasteful and extravagant!

One word as to the question of expense. He would ask the gentlemen who were so horrified as to the cost of printing these reports, what were the great outlets, the sluices, for the money of the people? Did gentlemen forget that there were five Departments of the Government, and that not one of them expended it with such boundless and reckless profusion as this Department of the Post Office? That this expenditure continued from year to year—and from generation to generation? And what was the remedy? How was this inundation to be stayed? By letting the people know and understand how their money was used. That was the true and the only remedy. And admitting, which he did not however admit, that it would take $50,000 to print these reports and documents, yet if this conduced to put a stop to this vast and wide and unceasing waste of public money, continued and increasing from year to year, would the nation be losers by the appropriation? Unless this thing was stopped, it must go on as it had done for years to come—for a hundred years to come, for aught he knew! And would it be enlightened economy to grudge a small sum to save a sum ten times or a hundred or a thousand times larger? This cry about extravagance was all idle. His constituents wanted to know the state of this Department, and he was desirous that they should know it. He was not for turning them over to garbled extracts, selected at the pleasure of party editors. They were a reading people; and when they began a book they were in the habit of going through with it. And there was no Department in all the Government in which they had so near and personal an interest as in that of the Post Office. He hoped the resolution for the largest number would be adopted.

Mr. PEARCE, of Rhode Island, thought this question was one which ought to be settled abstractedly from all extraneous influence derived from considerations not legitimately connected with it. It was not a question whether the House should pamper the public printers or not; and it ought to be argued independently of all suggestions of that kind. If the publication was in itself expedient and proper, the mere fact that it happened to benefit the printers of the House was one which it did not become that House to look at. For whose benefit was it that at the last session he, as one of the members then composing the standing committee of the House on the Post Office and Post Roads, had voted in favor of appointing a select committee to investigate the concerns of the Post Office Department? For the benefit of the people. Not for the benefit of that House merely, but for the information and satisfaction of the people at large. The committee had accomplished the task assigned to it; and now who was entitled to the result of their labors? The people of the United States. Did gentlemen go on the ground that this report had been made for them? Who, he asked, were their triers; and who were the triers of the Post Office Department? It was the people. Who was it that desired evidence on this often agitated subject; who wanted the light which these reports and documents contained? It was the people. Who was to settle the question whether the Post Office Department had been administered correctly and purely, or not? It was the people. Who were the judges? Was it that House? No: it was the people. And how were they to judge, if the House withheld from them the requisite information?

Although he was not for the very highest number of copies that had been named, he was for one of the highest. He held it to be the duty of the House to throw before the people the information necessary to enable them to judge. And should he vote for the very smallest number that had been proposed, what should he be able to say, when he went home to his political opponents? Who did not know that this subject of the Post Office had long been one on which the opposition had been harping for months past? And the public curiosity was roused to understand what was the real truth of the matter. And what could he say to his constituents, if he should vote to give a copy of the documents to A, and yet deny it to B, who had an equal right to the knowledge? It would be no answer to say, "I have the information, and that is enough." The people would not believe it was enough. They wanted to see a little with their own eyes. They would not be content with looking always through the eyes of a member of Congress. This case was not like that of the Oration on Lafayette. In that case he he had voted for the lowest number; and whether there were or were not cheap editions of that oration to be had in New York would not settle the question respecting these documents. That was not a matter in which the whole community were immediately and personally interested. Here were ten thousand postmasters, and half that number of mail contractors, besides fifty or one hundred thousand of the friends of these persons, all of whom felt an anxious desire to know whether the charges against the Department were well founded; and they had a right to know.

Mr. SMITH, of Maine, replied to the remarks of the gentlemen from Virginia and Rhode Island, [Messrs. MERCER and BURGES.] He said they had complained that he had assumed to lecture them upon the extravagant expenditures of the House. If (said Mr. S.) I had designed to lecture any gentleman upon this subject, I certainly should not have selected either of those gentlemen. Their reputations for devotion to their system and notions of extravagance and economy are too well established to be disturbed by any thing I could say, if not by any thing that any other gentleman upon this floor could say. Is it not known to this House with what tenacity those gentlemen strive to economize in the expenditures of Government? Who ever knew either of them to vote for any measure that involved an appropriation of the public money? Do they not resist every proposition for spending the public money in the grand schemes of internal improvement that are constantly being pressed upon Congress? Was any extravagance ever fostered by them? Are they not always guarding the public treasury? Sir, I wish I could say it in sincerity. But shall I say it, sir?

The gentleman from Rhode Island complains, more particularly, that I am disposed to rely upon the newspapers of the country as channels of communication to the people. He repudiates them, and would be understood as repudiating all connected with them. Sir, it has long been a practice with a certain class of men, at certain periods in their political lives, to repudiate the authority of newspapers, and to derogate from the character of the public press. It is at the same stages of their political lives that the same class of men are ready also to repudiate all considerations of party, and to denounce party feeling of every character. But, sir, in most instances of this kind, it will be found that these are the men who have first been repudiated and denounced, for cause, by newspapers and the public press, and by some party also.

In my former remarks I submitted to the House the data upon which I formed the conviction that the proposition of the gentleman from Massachusetts [Mr. **Briggs**] involved an extravagant expenditure of the public money. If any portion of these data is defective or erroneous, why has not some one of the gentlemen who advocate this expenditure pointed it out? By these data, I am persuaded that it will take from the treasury at least fifty thousand dollars to execute the work proposed. No gentleman has undertaken to controvert this estimate; or, if so, it has escaped my observation. I adhere to my first opinion, sir, that, if this proposition shall be adopted, the people of this country will pronounce it an extravagant expenditure of their money.

The gentleman from Ohio [Mr. **Whittlesey**] thinks I spoke without authority when I said that the increased weight of the mails has affected the contracts of the Post Office Department. He says nothing of the kind was proved before the committee. He knows, sir, that I then made no allusion to what had been proved before his committee. I knew nothing of the information obtained by the committee on this or any other point. I based my remark upon what is known to all. The extraordinary number of ponderous documents which are published by Congress, at every session of Congress, and which are now ordered to be published on almost every day of every session, cannot but load down the mails in an extraordinary manner, and change entirely the character of the contracts existing between the Post Office Department and the mail carriers. It cannot be otherwise, sir. Gentlemen may say that the Postmaster General has no legal right, nevertheless, to vary the terms of these contracts, and to add extra compensation. I mean not to controvert this opinion at this time. But, sir, when such effects are produced, when the fact is made known to the Department, by the contractor, beyond dispute, that the mail upon a route has accumulated to five times the weight it made at the period of making the contract, and the contractor says to the Postmaster General, "I shall be made a bankrupt in the service of the Government by this great change in my relationship to the Department," it is not in the nature of an honest man, unless positively prohibited by law, to reply, "Sir, I cannot relieve you; I hold you to the contract; I know it is ruin to you, but I shall exact the pound of flesh." Such oppression would be unjust and cruel. I repeat, it is not in the nature of an honest man to practise it.

Sir, that such effects are produced upon the mails is also known from the published statements of the Postmaster General. He has said that the loading of the mails with extraordinary packages has been one of the grievances of contractors; and it cannot but have involved the Department in additional expenditures. But, sir, in addition to this, I have it now from one of the Post Office Committee, that there was some proof before that committee of complaints from contractors, and that the Postmaster General had been influenced by them. As I before stated, I know nothing of what was proved there, otherwise than as I have had it from a member of the committee. The matter, therefore, lies now between the gentleman from Ohio and my informant. It is, perhaps, unimportant, since it must be apparent to all that the immense number of extra and voluminous documents, which go forth from members of Congress, does greatly affect the character of the mail contracts.

I have a word to add upon the utility of publishing documents so voluminous as those now proposed, and in such numbers. Will they be read? I put it home to gentlemen, now present, whether they themselves will read through such masses of detail? Do gentlemen pretend to read all the documents and reports which are ordered to be printed by this House? I accord to the members of Congress a full share of industry. But I am persuaded, from observation, that not ten members of this House will pretend to say that they read any thing like the number of documents which are daily ordered by the House to the press. And if they will not go through the labor of so much detail, will others desire to do so, at so great cost to the country?

But the gentleman from Massachusetts [Mr. **Briggs**] says he is grateful for the remark which I made, that abuses will be found to exist in all the Departments of Government, and that if the windows of either were thrown open to the public gaze, an excitement might be produced among the people like that to which he is now so much disposed to administer. Sir, I believe what I said, and repeat it. Has not greater economy and a correction of the abuses of Government been earnestly enjoined upon the gentleman from Massachusetts, as a member of this House, in every annual message of the national Executive, since the commencement of the present administration? The gentleman entirely mistakes, or, if not, he entirely perverts my remarks, when he applies them to abuses attributable to the present administration. I referred, sir, to abuses which existed far behind the commencement of the present administration, and which the present administration has labored, and still is laboring, to correct. The people of this country understood the existence of them when they brought the present administration into power, and, in changing the administration, it was a primary motive with the people to arrest and correct the accumulation of extravagant expenditures then in progress.

Bur, sir, so deep-rooted and extended had the evils of extravagance and unfaithful officers become at that period, a long time has been required to accomplish the desired reform. Six years of the new administration has not been equal to it; and I fear that eight years will not ferret out and correct much that exists, and that is calculated to excite the people, could it be laid bare to their view. Sir, the work of reform has gone on, and nobly too, under the present national administration; but, sir, it is not finished, and the people are not yet satisfied. It is not in the Post Office Department, upon which gentlemen would now concentrate the whole weight of popular excitement, that all the enormities of Government extravagance exist. Let any contract of Government be pointed out, and nearly double the amount will be found to be paid under it for services that a private individual would pay for like services, if necessary to his own business. The extravagance of Government is proverbial. But it is not proverbial that this extravagance has originated under this administration; on the contrary, it has been stayed wherever and as far forth as it has been practicable.

The gentleman from Louisiana [Mr. **Johnson**] says the present administration has refused to turn out unfaithful and incompetent officers. Sir, I am happy to agree with the gentleman in one view of his remark. If there is one fault of this administration more prominent than all the rest, it is to be found in this particular. I agree fully with the gentleman, that the administration has been backward in turning unfaithful and useless officers from the places of Government. It has omitted to remove, in many of the instances where it might have removed, men whose only aim has been to fill their own pockets at the expense of the people, and at the same time to abuse the Government that feeds them. I believe there are men of this description still in the offices of Government, who are not worth to the public service the salt which they consume.

Sir, I say, let the work of reform go on; let the Postmaster General remove the unfaithful and undeserving from the offices they hold under him, and let public expectation in this particular be realized. But, sir, where has he attempted to do this without exciting the fervid execrations of those who are associated with the very same gentleman now opposed to me upon the proposition before the House? Neither the Postmaster General, nor the administration, in any department of the Government, have been permitted to remove any man from office, no matter whether from an important or an unimportant office, without exciting the lamentations of individuals from one end of the Union to the other; and the loud and continued execrations of the same gentlemen who advocate this extraordinary expenditure of the public money. I repeat, sir, let the Postmaster General and administration do justice to themselves, and consummate the work of reform in the public offices, which the people themselves demand.

Mr. Speaker, I have but a single remark to add. If either of the two gentlemen from Massachusetts, or of the two from Rhode Island, or the gentleman from Virginia, or Louisiana, will point out wherein my estimate of the proposed expenditure, which I put at $50,000, is wrong, I will become a convert to his proposition, unless it shall be still clearly extravagant. Unless this shall be done, I cannot but entertain the opinion that the people of this country will justly regard such disposition of their money as extravagant and unjustifiable.

Mr. E. WHITTLESEY said the gentleman from Maine [Mr. SMITH] had supposed the expense of transporting the mail had been increased by the distribution of the public documents printed by the order of Congress. He did not know the source of the gentleman's information. There was an allowance of 10,000 dollars on the route from Philadelphia to Pittsburg, granted on the representation of the contractor himself, that the weight of the mail had so increased as to require that an extra allowance in justice be made. There had been no testimony taken, to his knowledge, that this increase was attributable to the distribution of the public documents, and it was not probable that such was the fact; for the increase was said to have been on the route from Philadelphia to Pittsburg, on which but a small proportion of the public documents would be transported. The Postmaster General reported this allowance to the Senate, at the last session; but he did not pretend that the public documents added to the weight of the mail, but that the weight was increased from Philadelphia. He reported, the passengers were generally excluded from the mail-coach every day in the week, when the contractors did not pretend they were thus excluded more than half the time; and the testimony before the committee was, that the passengers were not generally excluded on any other day than Monday, and then only from January to May. During that period the mails did increase on that route in a manner wholly unaccountable, except that they were sent upon it, when a different direction should have been given to them at Philadelphia.

He was unwilling the remarks of the gentleman from Maine, [Mr. SMITH,] as to the extra allowances for the increased weight of the mail in the instance referred to, should go abroad to the country without a denial of their correctness, as an erroneous impression would be made by them. There was an allowance for postillions in ascending the mountains, which was not particularly investigated. He renewed the hope he had expressed before, that a general discussion of the reports would not take place on a motion to print.

Mr. BEARDSLEY, of New York, said he wished to make one remark in consequence of what had fallen from the gentleman from Maine [Mr. SMITH] and the gentleman from Ohio, [Mr. WHITTLESEY.] The latter gentleman and himself should not, he was sure, differ as to matters of fact. The proof that the increased cost of transportation was from an increased amount of Government documents, did certainly fail in the case alluded to. The extra allowance of $10,000 was on the route from Philadelphia to Pittsburg; and it rested on the evidence of the carrier of the mail alone. There was no other evidence before the committee, and the evidence subsequently obtained did not go to show that the increase was at all owing to public documents. There was another case of extra allowance on the route from Baltimore to Wheeling. This, also, had been made on the evidence of the contractor alone. The allowance had been made on several different grounds, one of which was the increased weight of the mails; but it was not said that this had been occasioned by public documents. There was some evidence of increased weight on both these routes; but he was bound to say that the committee considered it as immaterial in respect to the allowances which had been made. And they had, in their report, taken the express ground that the Postmaster General was not authorized to allow a single cent to any contractor on any such ground. Mr. B. had paid little attention to such evidence as was adduced; because, if the weight could have been proved to have been increased by five tons, it would not authorize any allowance by the Postmaster General. He had no such power.

The gentleman from Louisiana, before him, [Mr. JOHNSON,] had said that the abuses in the Post Office Department were chargeable solely on the present head of the administration of that Department. But it was no more than justice to that officer, and it was due to him, to the committee, and to the public, that, although the committee did conclude that he had transcended his power, the declaration of the gentleman from Louisiana should not go abroad without explanation. The papers which had been exhibited to the committee had shown that nearly every abuse, and nearly every irregularity which had been now discovered to exist in the Department, had prevailed also, to a certain extent, under preceding administrations of its affairs. They had nearly all prevailed under that immediately preceding. Mr. B. wished to be understood. He did not assert that these abuses had prevailed to the same extent; but decided irregularities of the same kind had existed previously; and the course then commenced had been followed by the present incumbent. It was, Mr. B. admitted, decidedly irregular, and it had certainly led to a very considerable expenditure of the public money; but not to so large an extent as had been supposed. The practice of amalgamated bids, of extra allowances, and of permitting contractors to contract for many routes in a mass, without going into separate contracts for each route, had all prevailed, to some extent, under the former administration of the Post Office Department. He did not say to the same extent; but they had been nearly as general then as now. Whether there had existed the same confiding faith in the representations of contractors as had prevailed under the present head of the Department, he would not say; but the root and origin of all the present irregularities were to be found there: the difference was only in degree. Mr. B. did not mean to impute the slightest want of personal integrity, either to the former or the present Postmaster General; he spoke only of the illegality of their acts. So far as principle was concerned, he knew of no difference in the practice of the two. That more money had been illegally applied under the present administration was probably true, and the evil might probably have been aggravated of late years.

Mr. LYTLE said that he objected to the course that the debate had taken. If he understood the question properly, it had reference merely to the number of copies which should be printed of this report; and yet it had taken a wide, and, in his judgment, an unwarrantable range. Gentlemen had been discussing the merits of the report, before that report was fairly before them. He should like to see it on the tables, and have time to read it, before he passed judgment on its contents, or expressed an opinion on the subject-matter to which it had reference.

Upon the question, then, of printing an unusual number of extra copies, Mr. L. said he considered any debate unnecessary, if the declarations of the honorable gentleman from Louisiana were to be taken for granted, who, without any report before him, had undertaken to pass sentence of death on the Department and its head; if they were really already convicted, he thought the time of the House would be misspent in deliberating on the question now before them, viz: the printing of the testimony by which the guilt or innocence of the accused should be decided. Gentlemen assure us that the people are to be enlightened on this subject, and through the medium of this report, and yet they tell us, in the same breath, that the people understand the whole matter, and that Major Barry must be dismissed, and the Department reorganized. That the "whole country believes in his guilt," and the mismanagement of his Department. Why, sir, what stuff is this. The people already enlightened! The culprit already condemned! and yet the House called on to pay the enormous expense of printing fifty thousand extra copies, to show, I presume, that it was fairly done. Why, sir, for one, I enter my solemn protest against the whole procedure. This is, indeed, a new and most unrighteous mode of action in such cases—passing sentence of death upon a man and his whole Department by your speeches, and then printing fifty thousand extra copies of a report, by which it is hoped something may be gleaned out of which these charitable decrees or predictions may be justified.

Why, sir, (said Mr. L.,) the ordinary mode in this, and in every Christian country, is to try first, and convict afterwards, if the testimony exacts or warrants it; but the rule is now to be reversed for the first time in this country. Sir, I undertake to say you are now called on to criminate, by speeches and the circulation of reports in unusual and extraordinary numbers, an individual, before the very testimony is examined by his triers, who are, by this motion, to be made the organs of its publication and distribution. Why, Mr. Speaker, the humblest culprit arraigned at the judicial bar of our country, for crimes the most foul and atrocious, is indulged with the time and opportunity for a fair hearing, and a full and complete defence, an ample examination of all the testimony against him, before the sentence of condemation is passed upon him. And is a high officer of this Government to be debarred the privilege allowed the common malefactor? Say what you will, sir, the present proceedings against this Department have tended necessarily to produce the results have named. Whether by accident or design, he is to be the victim. Friend and foe seem ready for the sacrifice, and he gets it from them all, right and left. Why, sir, not wait for the printing and examination of the two reports of the Senate, which, before they were printed or read, (I mean by the Senators,) produced a bill from that body, a bill which has been sent down to us, for the reorganization of that Department? I stand here as a sworn juror between the country and the accused; and, for one, I will not act, by the God that made me, except on ample proof. Let us have it. Not only this report, but the two reports from the Senate. Why, sir, should we prejudge this case? Why act before the proof is before us? Why attempt to forestall or prejudice the public mind? Why anticipate a decision which may never be made by this body, when they have the time and means to investigate for themselves?

These reports may be antagonist to each other; and yet, sir, you are called on to anticipate your future judgment, deliberately formed, by testimony you have not heard, and a system of conduct which may lead to the most unjust and vindictive crimination of those who may be (as I believe them) completely innocent. Tell me not that the head of this Department is not to be directly and immediately affected by this precipitate and ill-advised action of the House. I know better, sir. You cannot alienate his personal and political identity in this determination. The object is, his removal, his political demolition. It shall not happen, sir, with my consent, without a full and fair trial. No, sir, I want all the documents—I demand all the proofs—show me official dereliction, and I will vote for its radical removal. Show me corruption, peculation, defalcation, or negligence, and, with all my heart, I will join in the application to remove it; but I must first see and know it, before I attempt a remedy. There is one thing I must here add—that now, for the first time, the Postmaster General has been *personally* the subject of accusation. During the whole of the last session (elsewhere, as in this body,) he has escaped unscathed. His character has been held sacred. I avow openly, and with pride, my warm attachment to the head of this Department. I have known him long, and love, and esteem, and revere, his many estimable and exalted properties; and it was a matter of no ordinary compliment, that, through all the bitterness of party feeling, during the last session of Congress as well as the present, when the hail storms of party malevolence and persecution beat about his Department, and himself as its representative, that his person was held sacred; that no harm approached him; that the full tribute to his individual merits was exacted by a knowledge of his worth, from the bitterest of his opponents; and I now dare and defy any man, on or off this floor, to impeach the personal or political integrity of William T. Barry.

Notwithstanding (continued Mr. L.) the long services, unquestioned ability and worth of my honorable colleague, [Mr. Whittlesey,] than to whom no one more readily than myself is willing to accord the merit of usefulness, and indefatigable zeal, honesty and energy of action as a representative of my State upon this floor; one who has justly earned its confidence and high regard, and made me ready, always ready, to acknowledge his ability, and claim him with pride and pleasure as a colleague, however widely we may differ in some things—to-day he has surprised me, by attempting to disprove the statements of the gentleman from Maine, [Mr. Smith,] by showing, in his way, that there was no proof of the fact before the House that the burdens of the Department were increased by the increase of extra printing during the last session of Congress; and, therefore, that the statements are fallacious! Why, sir, it requires no proof, said Mr. L.; it is a matter that addresses itself at once to the common sense and understanding of every man upon this floor. Can there be an enormous increase of documents without the indispensable increase of cost for their circulation by the mail? It is a matter about which there can be no dispute. Add to the tonnage, and you must pay for the increased carriage. Multiply documents, and you must provide means for their transportation. And thus it has been, sir, among other means that the Department has reached the point of difficulty complained of.

The trouble exists mainly, in my opinion, in the increased burdens imposed on the Department by the legislation of Congress, one way or another, and its willingness and anxiety to meet the demands thus made on it. Sir, I appeal in a spirit of frankness to this body, if they have not, by their system of legislation, contributed mainly to produce the state of things of which they now complain against the Post Office Department. By the application of what class of people have new mail routes been established; post offices created; contracts made; and extra allowances granted? My answer is, by members of Congress. And I trust the catalogue will be forthcoming before long, exhibiting a list of all who have thus kindly added to the distress of the Department they are now so ready to condemn and execrate.

Sir, by the proposition now before you, we are called on to aggravate the evil which the document complains of, that we send abroad. You start a diseased herald to report the malady of which the very messenger is the subject—one of a family of fifty thousand.

I am opposed to any new panic, therefore I shall vote against the printing, now and hereafter, of a single extra sheet of any thing; especially where the design is to anticipate the action of the House, and forestall public judgment. Such printing as is indispensable to the purposes of legislation I am prepared to vote for, but no more. I have ever been opposed to this extravagant propensity of the House. Let any gentleman on this floor turn to the mass of well-bound printed trash of the last session, and say if the load of such matter under which his shelves now groan, of panic speeches, memorials, reports, resolutions, and even names, will not compel him honestly to admit that there is to be found the true secret of at least one difficulty under which the Department has had to labor; but there are others which in due time shall be noticed. Let the House, I say, however, pause first itself, before it arraigns any other department of the Government. Sir, the extra printing of this House would cover all the extra allowances (occasioned chiefly by the action of Congress) of the Post Office Department for the last two years. I hazard the opinion. Look at the abuses, too, of the franking privilege. One main object avowed in defence of this proposition is to supply the districts of certain gentlemen; yes, sir, to make Uncle Sam pay for the privilege of getting ourselves re-elected, by franking home any quantity of documents. My day is over, sir, in that way, but I assure gentlemen that I never knew much good to come of it: you can't frank to every elector in the Union; one is as much entitled as another; and, so far as my experience goes, you make more enemies than friends by franking at all; for I never sent one document to a constituent that I did not receive, on an average, at least one letter from another, complaining that he had been neglected; so that but little good is done in that way.

But, sir, in conclusion, I desire nothing but what is fair and just in the decision of the House upon this matter. Let us have an opportunity before we condemn pure, and upright, and hitherto honorable men; let us compare with the increased business of this Department, under the present head, the expenses, the defalcations, the practices, the uses and abuses of those who preceded him. I wish, sir, and hope, that all these matters have come within the observance of the committee, and that, as they are greatly regulated by precedent and contrast, we may expect to find less guilt than has been anticipated or hoped for, and an equal amount of integrity, fidelity, and official usefulness, as will compare with any precedent administration of the Department. I have occupied the House longer than I wished or expected, and conclude by hoping that they will at least reduce the number proposed of extra copies.

Mr. HUBBARD, of New Hampshire, inquired of the Chair, what would be the effect of the previous question.

The **SPEAKER** replied that, if the previous question were ordered, the main question would be on the printing, and that the several motions for different numbers of copies would be presented in order, commencing with the largest number.

Mr. HUBBARD thereupon moved the previous question.

Mr. E. WHITTLESEY requested the gentleman from New Hampshire to waive his motion for a moment, for a few words in explanation.

Mr. HUBBARD replied that he could not do so, unless the gentleman from Ohio would promise to renew it as soon as his explanation was made.

Mr. WHITTLESEY, having given this pledge, proceeded to observe that he was unwilling to prolong the debate, but he felt himself called upon to dissent from the gentleman from New York [Mr. Beardsley] as to the origin of the abuses in the Post Office Department, by which such wasteful expenditures of the public money had taken place.

If the gentleman had confined his remarks to amalgamated or combined bids, and had merely stated they were received by the Department under its former administration, there would have been no ground for a disagreement between them. There were, formerly, several instances of amalgamated or combined bids; but he knew of no testimony tending to show that they were resorted to to favor a contractor. Extra allowances had also been granted under the former administration, but they were within the restrictions of the law, taking the contract as a data. There had been no abuse of this power by the former administration, that had been investigated by the committee, within his recollection or knowledge.

Mr. W. then, according to promise, renewed the motion for the previous question.

Mr. CONNOR requesting him to withdraw it, Mr. W. referred him to Mr. Hubbard, to whom he was pledged.

Mr. HUBBARD assenting, on condition that Mr. Connor would renew the motion,

Mr. WHITTLESEY withdrew his call for the previous question.

Mr. CONNOR expressed his deep regret at the course the debate had taken. He had feared such a result, when it commenced, and had, in consequence, restrained himself when last up, although prepared to say much more than he had said. The gentleman from Ohio [Mr. Whittlesey] was right in saying there was no evidence before the committee of allowances being made for an increased weight of the mail occasioned by documents sent from this House, on the route between Philadelphia and Pittsburg, although no one here could doubt but that the great number printed and sent out must greatly increase its weight; the gentleman seems to have selected that case for his own use; he should, sir, have gone further, and given the route from Baltimore to Wheeling. The committee differ in opinion with the Postmaster General as to the power to make an extra allowance for the increased weight of the mail, after a contract had been concluded. But did the gentleman forget that there had been presented to that officer many petitions, among them, five, if not seven, signed by members of Congress, asking that an additional allowance be made the contractors, both for expediting and increased weight of the mail, and his own name was to be found among them? Mr. C. was far from wishing to justify that Department, or any other in the Government, in any thing that was wrong; but let its course have been what it might, the practices which now prevail in it might all be traced, not only to the administration immediately preceding the present, but to former administrations preceding that; this was true with respect to gross bids, the admission of which was, in his opinion, objectionable; and the same practices prevailed as to improved bids. The House would find, among the documents reported by the committee, large amounts, in other administrations, had been paid for improvements, over the bid made for the service as advertised, from nine to eleven thousand dollars; from five and six thousand to ten and fifteen thousand dollars; with very many others that he did not then recollect, the principle of which was the same with those now complained of. The latter was nothing more than an extension of the same principle and practices. Whether it had been abused was a question for the House to decide. The committee had openly expressed their opinion. Mr. C. would have desired to have seen the reports printed, and laid on the tables of members, before any opinion should have been expressed. The minority report he had not seen until it was presented to the House, the day before, and did not know what it contained. Mr. C. was sorry that the gentleman from Louisiana [Mr. Johnson] had not waited for the printing of the reports, and examined for himself, before forming and expressing an opinion; he would then have had an opportunity of examining for himself the numerous documents accompanying the reports. Whatever might be charged against Major Barry, Mr. C. believed him to be an honest and upright man; and so the world would pronounce him. He may have erred, and his mode and manner of doing business may not have been the best; but he believed his intentions were good. He regretted the necessity for offering these remarks, and he owed the House an apology for detaining them at this late hour. The testimony which had been laid before the committee, and would accompany the report, traced back the practices of the Department, in some instances, as far as 1805. He need say nothing further, as the House would shortly have the whole before them. Mr. C., as he had promised to do, renewed the motion for the previous question.

The call was seconded by the House: Ayes 140, noes not counted.

The previous question was then put in the usual form, viz: "Shall the main question now be put?" and being carried without division, the yeas and nays were ordered.

Mr. SPEIGHT now moved for a division of the question, so that it should be taken first upon the number of copies with documents appended, and then on the number of copies without documents.

Mr. BRIGGS now modified his motion so as to propose that 3,000 copies of the reports of both the majority and minority of the Post Office Committee should be printed, having appended thereto the documents referred to in the reports, and 20,000 copies of the reports without the documents.

The question being first put on the former branch of his motion, was decided, by yeas and nays, as follows:

Yeas—Messrs. John Quincy Adams, Heman Allen, Chilton Allan, W. Allen, Archer, Ashley, Banks, Barnitz, Barringer, Bates, Baylies, Bean, Beaty, Bell, Blair, Boon, Bouldin, Briggs, Brown, Bunch, Burges, Burns, Bynum, Cage, Cambreleng, Campbell, Carmichael, Casey, Chambers, Chaney, Claiborne, William Clark, Clay, Clayton, Clowney, Connor, Corwin, Coulter, Crane, Crockett, Darlington, Davis, Day, Deberry, Denny, Dickson, Dickerson, Dunlap, Evans, Edward Everett, Horace Everett, Ewing, Ferris, Fillmore, Fowler, Philo C. Fuller, Fulton, Galbraith, Gamble, Garland, Gholson, Gilmer, Graham, Grayson, Grennell, Griffin, H. Hall, Thomas H. Hall, Hamer, Hannegan, Hardin, James Harper, Hawkins, Hawes, Hazeltine, Hiester, Howell, Huntington, Inge, William Jackson, Ebenezer Jackson, Janes, Jarvis, William C. Johnson, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Henry Johnson, Benj. Jones, Kavanagh, Kilgore, King, Lane, Laporte, Lay, T. Lee, Letcher, Lewis, Lincoln, Love, Lyon, Manning, Martindale, Marshall, John Y. Mason, May, McCarty, McComas, McKay, McKennan, McKim, McVean, Mercer, Miller, Milligan, Miner, Henry Mitchell, Moore, Morgan, Murphy, Osgood, Parker, Patton, Patterson, Dutee J. Pearce, Phillips, Pickens, Pinckney, Plummer, Pope, Potts, Ramsay, Reed, Rencher, Reynolds, Robertson, Schenck, Augustine H. Shepperd, Shinn, Slade, Spangler, Steele, Stewart, Sutherland, William Taylor, William P. Taylor, Philemon Thomas, Thomson, Tompkins, Trumbull, Tweedy, Vance, Vinton, Wagener, White, E. Whittlesey, Wilde, Williams, Wilson, Wise, Young—161.

Nays—Messrs. John J. Allen, Barber, Beardsley, Beaumont, Carr, Samuel Clark, Coffee, Cramer, Dickinson, Felder, Forester, William K. Fuller, Gillet, Joseph Hall, Halsey, Joseph M. Harper, Harrison, Hathaway, Hubbard, S. Jones, Kinnard, Lansing, Luke Lea, Loyall, Lytle, Abijah Mann, Joel K. Mann, Moses Mason, McIntire, McKinley, McLene, Page, Parks, F. Pierce, Pierson, Polk, Smith, Speight, Standefer, Stoddert, F. Thomas, Turrill, Vanderpoel, Van Houten, Ward, Wardwell, Whallon—47.

So the first part of the motion, to print 3,000 copies of the reports and documents together, was agreed to.

The question being then put on printing the copies without documents, it was also carried: Yeas 101, nays 93.

Monday, February 16.

ABOLITION OF SLAVERY.

Mr. EVANS presented the petition of a large number of citizens of Waterville and Vassalborough, in the State of Maine, praying for the abolition of slavery in the District of Columbia; and stated, in brief terms, his acquiescence in the general sentiments and objects of the memorial, and his hope that, at no distant day, the attention of Congress would be given to the subject; and that, so far as he could tread on firm, constitutional ground, he should go promptly and unhesitatingly. The subject was not free from difficulties, but he trusted they would all be overcome by the wisdom, perseverance, patriotism, and philanthropy, which Congress might bring to its consideration. As other similar memorials had been already referred to the Committee on the District of Columbia, he moved the same reference of this, in the hope that the committee would, at some early period, present a report.

Mr. PHILLIPS said he was about to present a memorial in favor of the abolition of slavery in the District of Columbia. It was signed by 1,249 male citizens, who are all represented to be legal voters, and also by 2,643 ladies, of the county of Essex, in the State of Massachusetts. These memorialists, said Mr. P., are many of them known to me to be of the most respectable character and standing. They respectfully and earnestly entreat the attention of Congress to the object to which their memorial is confined. The sentiments which they utter are just, humane, and patriotic: the motives by which they are evidently actuated are commendable; and the object which they seek may be accomplished, and can only be accomplished, by the action of Congress. Upon these grounds their memorial is entitled to consideration; and I owe it to them and to the House to declare that, while I am opposed, from my own conviction of what is constitutional, just, and expedient, to any interference on the part of the general Government, or of the free States, with the exclusive rights, interests, and duties, of the slave-holding States, I am equally convinced of the constitutionality, expediency, and justice, of a suitable provision by the general Government for the abolition of slavery within the District of Columbia.

So far as slavery exists within any of the States, it is for them, upon their own responsibility, to determine when, and in what manner, it shall cease to exist there; but so far as it exists here, and is exhibited before our eyes in its worst forms of degradation and cruelty, the right and duty belong to Congress alone of restraining or abolishing it. Towards the abolition of slavery within the States, I am only desirous that the general Government, at a proper time, should contribute to the extent of its ability such aid as may be acceptable, and can be judiciously applied; but in respect to the object which this memorial discloses, I cannot doubt that there are existing evils which require a legislative remedy at our hands, in such form as our wisdom may devise. I cannot doubt that a period must arrive when the continuance of slavery within this District will be regarded, in its obvious aspects, as disgraceful to the nation, contrary to public opinion, and subversive alike of the rights of slaves and the interests of free citizens. That period, in my humble judgment, will have arrived as soon as the facts and arguments contained in such memorials as this shall obtain a dispassionate, candid, and deliberate investigation.

Mr. P. said that he would desire a reference of this memorial to a select committee; but as such a reference had been already formally refused in a similar case, he would content himself for the present with asking that it should be laid upon the table.

BREAKWATER AT PORTLAND.

Mr. SMITH, of Maine, presented a copy of the proceedings of a public meeting, holden in the city of Portland on the 10th instant, for the purpose of taking into consideration the expediency of one or more breakwaters in the harbor of that city. Mr. S. remarked that the meeting is represented as having been composed of the merchants, ship owners and masters, at that port; and their resolutions declare the necessity of an expenditure for the protection of their harbor and property. I perceive, said he, that the mayor of the city, who is a distinguished merchant, presided at the meeting. The subject, sir, is one of vital importance to the prosperity of Portland, and in fact to the commercial interests of the State of Maine. The work has been strongly recommended as of great utility, after a careful survey, by an engineer of the Government. An appropriation for it has has also been reported by a committee of this House, during the present session of Congress. Under this state of the matter, it will be unnecessary to refer the proceedings now presented to a committee; but I ask that they may be printed for the information of the House.

The printing was ordered accordingly.

ABOLITION OF SLAVERY.

Mr. DICKSON presented the memorial of sundry citizens of Rochester, in the State of New York, praying Congress to take the proper measures for abolishing slavery within the District of Columbia; which he moved be laid on the table and printed, together with the names attached to the same.

Mr. BOON asked for a division of the motion.

The question was first put on printing the memorial without the signatures, and agreed to.

After the decision was pronounced by the Chair, some doubt was expressed by Mr. WISE whether a majority had voted in the affirmative, and it was suggested that the question was not understood by the House.

The SPEAKER rose again to propound the question.

Mr. McKENNAN objected, on the ground that the decision had already been announced.

Mr. WISE said he did not vote on the question, and he desired to be informed by the Chair whether it was competent for him to move a reconsideration of the vote upon printing the memorial.

The SPEAKER said it was.

Mr. WISE then moved a reconsideration of the vote.

Mr. HIESTER asked that the memorial be read; which was done.

Mr. DICKSON said he would not enter into the merits of the question, but, as a motion to reconsider had been made, he would only remark that the memorial was signed by the mayor and many of the most respectable citizens of Rochester, belonging to both of the two great parties which now agitated the country.

Mr. CHINN said that he hoped the motion to reconsider would prevail. He saw nothing which distinguished this momorial from any other upon the subject. Although it was signed, as the gentleman from New York had stated to the House, by the mayor of Rochester and other distinguished persons, he could not perceive that this fact entitled it to a consideration different from that which was given to others. It presents no new argument; it states no fact but what was contained in others; and the grievances which it recites are common to all which have been offered here. It was unnecessary for him to assert that these grievances were in the main unfounded. If this memorial was printed, why not print all which had been offered? There was no difference between them; if there was, it was not such as to entitle this to unusual consideration. He did not wish to discuss this question; he did not know that he ever would discuss it. The whole mischief, perhaps, consisted in discussion. This had been, and still was, his opinion; and he had always acted in conformity with it. He hoped the motion would prevail, and that the same disposition would be made of this as of the many others which had been presented.

Mr. BOULDIN said that he had not supposed he would vote for the printing of this memorial until he heard it read. But, after having heard it read, he should vote for printing it; not because he approved of the presenting of it, or of the object of it; nor that he dissented from the general propositions about liberty and slavery in it; but because he wished his constituents to know what feelings were entertained by their Northern brethren (some of them) of slavery and slaveholders, and the means of abolishing slavery.

He said he was unwilling to draw any comparisons between the country he had the honor in part to represent, and any other portion of the Union; but every remark about slavery, slaveholders, and slave markets, made in that memorial, in relation to this District, applied equally to the habits, customs, and legal rights, of the people of all the South. He wished them to see what those opinions and feelings were; and therefore, and for that only, he should vote for printing the memorial.

Mr. JOHNSON, of Louisiana, hoped that the motion to reconsider would prevail, and that the memorial would be laid on the table. He repudiated the interference of the Northern with the rights and property of the people of the Southern States. Whenever the North should succeed in procuring legislation by Congress, in regard to these rights and this species of property, that moment the Union would be dissolved.

Mr. BOON, said as he had askedfor adivision of the question, and belonging to a non-slave-holding State, it was perhaps proper that he should say a word or two. There was no person more opposed to slavery than himself; but, while he was opposed to the principle, he was also opposed to interfering with those rights to property which were guarantied to the citizens of particular States and districts by the constitution of the United States. It would be recollected that this question, when the subject of the admission of Missouri into the Union was before the House, had come very near dividing the Union. He thought the same course which had been adopted by the gentleman from Massachusetts, [Mr. Phillips,] in presenting a similar memorial this morning, which was, to move that it be laid on the table, was the proper one, and that this memorial should be disposed of in a similar manner.

Mr. FILLMORE said, as it was understood that the Committee on the District of Columbia would not act on this subject at the present session, it was certainly due to the petitioners that the motion which had been made by his colleague [Mr. Dickson] should prevail. It was not unreasonable that the memorial should be printed and preserved among the documents of the House. He disavowed, most unequivocally, now and for ever, any desire on his part to interfere with the rights, or what was termed the property, of the citizens of other States. While he did this, he conceived that, as a citizen of the State of New York, and a member of this House, he was interested in the claim to property in man within the District of Columbia. He referred to the effect which was produced in the North by the advertisements in the papers of this city connected with the purchase and transportation of slaves. The people of that section of the country believed slavery to be improper, and that it should not be tolerated. This was a great national question. There was nothing in the memorial which should prevent its being printed and placed on the files of the House for future reference. Whenever petitions should be presented here from the slave-holding States, of a different tenor, and which might advocate the establishment or continuance of slave markets in this District and city, if they could satisfy the people of other sections that this was proper, he would treat their petitions with respect. He was willing that each party should be fully heard, and that each should have the privilege of spreading their views before the people generally.

Mr. McKINLEY regretted that this discussion had sprung up. He thought it manifested more zeal than prudence. He inquired if the printing was intended to enlighten the House or the country? It was admitted on all hands that no action was to take place upon this subject at this session. That being the case, what object would be attained by printing this memorial? He considered it one of the most impudent memorials which had ever been read in this House. It was a firebrand from one of the Northern States, which had been thrown into this House, and he was, for one, opposed to giving it any publicity. He denied that this House had the right to lay their hands upon his property, let him live where he might. There was no disrespect intended to the memorialists by refusing to print their memorial. It had been received by the House, and that, he contended, was sufficient. Nothing more ought to be expected. He cared not whether it had come from a mayor of a city or the President of the United States, he should oppose the motion to print.

Mr. PARKER was at a loss, he said, to perceive how the mere reading and printing of the memorial could produce unpleasant feelings in that House or in the nation at large; nor was it, in his opinion, calculated to throw a firebrand into the slave-holding States. It appeared to him to be more like a respectful address to the House, calling upon them to exercise the undoubted privileges conferred upon it by the constitution, of legislating for the District of Columbia, in removing what the petitioners considered a great and existing grievance; and, if it was intended or wished to prevent any debate, it could be easily obviated by withdrawing the question of reconsideration. What was the state of the subject; what had been done heretofore; and how did the matter then stand? A portion of the people of this country, considering the evil a national one, as one that ought not to be tolerated by a free people, respectfully ask that House to take measures to redress the evils. Petitions of this nature have been referred to the committee intrusted with the management of the affairs of the District, not only the present session, but the last and several preceding sessions. Now, the prayer of the petition was either right or wrong, and their reasons either forcible and conclusive, or otherwise. Let, then, the Committee on the District of Columbia make a report, and tell us what they think ought to be done, and give us their reasons, so that the House might judge of the question. Mr. P. was not prejudiced one way or the other; but he thought an answer to the prayer of the petition should be given, for it was neither unlawful nor unrighteous.

The argument of his honorable friend from Alabama, [Mr. McKinley,] that Congress had no right to interfere, Mr. P. could not assent to so readily. Let that gentleman, who was fully competent to give his reasons, state them on this subject. For himself, in accordance with the wishes and opinions of his constituents, and the persons presenting this memorial, he should feel it his bounden duty to vote to put their petition upon the files of the House, and he should continue to urge it with all the zeal of which he was capable, at the same time with all due consideration to the feelings, prejudices, interests, and rights, of others, and which they were entitled to require at his hands. This he should do, until the Committee on the District of Columbia, or some select committee of the House, answered the question, and told us, at the same time giving their reasons, whether Congress had a right to legislate on this subject or not, and until the House had concurred in that decision.

Mr. DICKSON then withdrew that part of the motion proposing to print the names of the subscribers to the memorial.

Mr. CLAY said he was even more opposed to the printing of the memorial itself than he was to printing the names appended to it, which he regarded as a matter of little consequence compared with the other. He was decidedly opposed to the publication of such a document. In spite of all the fair professions heard there upon the subject, as to any non-interference with the rights, interests, and property, of the Southern States, or any other property of this kind, gentlemen must be forgetful of the domestic policy and every thing else concerning the peace and tranquillity of those States, when they ask for the printing and publication of a document like the one under consideration. Are these gentlemen ignorant that the printing and publishing of documents of this kind, in almost all the Southern States, are prohibited under high and heavy penalties? And would they compel, or at least sanction, the publication of documents by Congress, for doing which, if a Southern tribunal could lay their hands upon a printer doing the same on his individual responsibility, he would be treated and punished as a culprit? Do they call this non-interference with the rights of property, where slavery prevailed? Gentlemen might disclaim any intention of interfering with this subject; but when he heard such disclaimers as those made by the gentleman from New York, covered by so thin a veil as he had employed, Mr. C. could not yield his assent to them. The gentleman told us that this was a subject he had no intention of interfering with, while at the same time he called it a great national question, and, consequently, one that ought to be agitated in that House. Was it not a subject against which Southern people should decidedly protest? And was it not one calculated to excite the most direful calamities in that portion of the Union whence Mr. C. and many of his friends came?

Mr. C. had no hesitation in giving an unqualified contradiction to the supposition that it was the wish of the intelligent and enlightened citizens of the Northern and Middle States to agitate this question. It was confined to a few fanatics, urged and guided by the Garrisons, the Tappans, and others, their wire-workers, who had recently attracted public attention, and whose object was well known. He did not, he could not, bring himself to believe that it was the wish of the great mass of the population of the New England or Middle States to bring on this matter. Were we to be told, because a handful of fanatics, who were ready to light the torch of disaffection and civil discord through the country were moving on this subject, that it was a matter connected with the national prosperity, or that it was a matter of right to that description of individuals, to discuss and agitate the subject in that House. The gentleman from New Jersey [Mr. Parker] called upon the Committee for the District of Columbia to report on the subject, in order that it might be discussed and investigated. Why, that was the very course of proceeding calculated to produce the evils contemplated—evils of such a character as no good citizen, in any part of this wide-spread and extensive Union, ought for a moment to desire. Mr. C. would inquire, how came it that this was a matter of such concern to those individuals? Did it interfere with their domestic policy, their domestic rights, their liberty, their property, or their security, in any point of view? He was at a loss to perceive how it could. Why was it, then, that those persons sought to interfere with the domestic policy of others? It could not be denied that this was a matter of domestic right and policy; and on what grounds, then, could they find themselves warranted or justified in interfering to give direction to that policy? It was a matter that concerned not them, either individually or as a community. Until the Committee for the District of Columbia, or some other committee, should report, the gentleman from New Jersey tells us he should hold himself ready and willing to receive and print all memorials on the subject. But had the people of the District called upon Congress to legislate on the subject? They had not. And why should Congress be called upon by others to give a new direction to the domestic policy of others, without consent first obtained? That doctrine was contrary to any expressed wish of theirs. These petitioners might, with equal propriety, memorialize the Legislature of Virginia, or the Legislature of any other State, and call upon them, in the name of national honor, to reverse their policy, and abolish the laws authorizing the holding of property of this kind.

Mr. C., in conclusion, said, for his own part, after the admission, which seemed to have been made on all hands, that this was a matter belonging to the people holding this peculiar species of property, and after the disclaimer that had been made of non-interference, and in the absence of any petition from the inhabitants of the District of Columbia, and without any call on the part of any of the States where property of this kind existed, he did think that these gentlemen ought not to press this subject, in any form whatever, upon the consideration of the House.

Mr. C. P. WHITE moved to lay the motion to reconsider, and the memorial itself, on the table.

On a question from Mr. WISE, some conversation arose on the point whether, if the motion to lay on the table prevailed, the motion to print, which had been announced by the Chair as adopted, would be considered and recorded as adopted. Mr. WISE, Mr. J. Q. ADAMS, and Mr. BRIGGS, participated therein.

The CHAIR said it was a matter not entirely belonging to him, but as the question had been put to him, he should say that the Clerk of the House could not order the memorial to be printed, inasmuch as there would be, if the motion to lay on the table prevailed, a motion pending to reconsider the vote to print the memorial. The motion to lay on the table prevailing would not finally dispose of the matter, because the House might call it up, on doing which the question would recur on the motion to reconsider.

Mr. DICKSON asked for the yeas and nays; which were ordered.

Mr. GHOLSON appealed to the gentleman from New York, [Mr. White,] to withdraw his motion; for the people of the South were very anxious to know the feeling of the House upon the subject, and he hoped to see it expressed by a direct vote.

Mr. C. P. WHITE said, though he was at all times very glad to accommodate the gentleman, yet, in this particular, he must be excused.

The conversation on the point of order, and the Speaker's decision, was resumed; and after a few minutes spent thereon,

Mr. C. P. WHITE said, to meet the views of the gentleman from Virginia, he withdrew the motion to lay the subject on the table, and moved the previous question.

The second to the previous question and the main question were both agreed to, without a division.

The question then occurred on reconsidering the motion to print the memorial, on which the yeas and nays had been ordered, and it was decided as follows: Yeas 125, nays 81.

So the House determined to reconsider their vote.

Mr. WISE said: Although I have my feelings, my prejudices, my passions, and my fixed principles and determination, as a Southern man, on this subject, yet I hope I can discuss it without excitement. I rise not, sir, to throw, as some others have thrown, a firebrand amongst us. I rise simply to state to my constituents, and the country at large, the true state of feeling, and of the case as it exists here, in the North and in the South.

I trust I am well assured that the Representatives on this floor from the North do not wish or design to interfere with our rights. That they merely feel bound in their representative duty to present these memorials, so dangerous in their tendency, and incendiary in their character, from respect to a few, a very few only, of their constituents, comparatively, and that they do not act from their own impulses.

Sir, on this delicate and vitally important subject, the moderate, considerate, and patriotic men of the South, as well as of the North, have enemies to contend with. In the North we have a few misguided fanatics, whose zeal prompts them to rush blindly into the most absurd extremes; and in the South, I am sorry to say it, there are not wanting those who seize upon every pretext to inflame the public mind on the subject of slavery. In this delicate situation, what should be the course of the friends of our country and our institutions? Why, sir, the friends of good order, of the constitution, and of the existence of this Republic, in this House or out of it, in the North or in the South, must use their influence to moderate and quench these spirits of both extremes of fanaticism and of disorganization. When memorials of the character of this now asked to be printed are presented, it is respectful enough, I should think, to the memorialists, to receive them; if printed, they will be circulated throughout the country, to fan the flames of the zealots on one side, and to serve as food for the disorganizers on the other. We, who would be safe and secure in the blessings we now enjoy, will, therefore, smother these memorials on their first presentation. I am willing, sir, to treat all memorials, no matter how extravagant or preposterous, or of what character, with respect, provided they are from a respectable body of citizens, decorous, and not dangerous in their tendencies. But, sir, I cannot tolerate, much less give consequence and eclat to memorials and petitions which strike at the very foundations of the social compact and our civil institutions. I will not hear them; I desire not to see them; and would reject them at once. With what sort of respect, I put it to the gentleman from the western part of New York, [Mr. Fillmore,] could he treat an incendiary who should respectfully ask him to permit him to apply a torch to his dwelling? Would he regard him as a sober-minded neighbor or madman, as a fiend or friend? Sir, I was sorry to hear some of the remarks of the gentleman from New York. He says that the people of the North are continually shocked by advertisements of slave-dealers in the papers of this District. I am sorry, sir, that their nerves are so delicate, when their fathers did more than any other people of the colonies to establish slavery amongst us. And I appeal to Southern gentlemen for the truth of the remarkable fact that the emigrants from the North to the South, some from the gentleman's own district, perhaps, are as ready to become masters as any who are hereditary masters. To strengthen their nerves and change their whole principles and opinions on the subject, they have but to change their climes, their homes. And if they choose to remain at home, they may cease to take these odious papers. If slavery were abolished in the District, I know not what would restrain the press still from publishing advertisements. And if the papers here cease to publish for runaways and purchasers of slaves, still the gentleman would have to cease taking the papers of the South, or to silence them too. Sir, slavery is interwoven with our very political existence, is guarantied by our constitution, and its consequences must be borne with by our Northern brethren, as resulting from our system of Government; and they cannot attack the institutions of slavery without attacking the institutions of the country, our safety and welfare. The gentleman says he will ever respect the property of the States, but he claims to legislate away the property of this District. Sir, a slave is as much property here as in Virginia: property by the law and the constitution. And, in addition to the remark of the gentleman from Alabama, [Mr. McKinley,] that you will not surely take private property without just compensation—and that you cannot compensate without taking in part of the taxes of the South to pay for slaves, I will repeat the idea that, although you have exclusive jurisdiction over this "ten miles square," yet it is common ground, for the good of the whole, and for the use of the whole people of every State in the Union. And I would ask of the gentleman, if he can come upon this ground with his carriage and horses, why cannot I come with my slaves, to remain here, to live here, as long as I please? Sir, I say it not in passion, but calmly and dispassionately, that Congress has no right to abolish slavery even here, against the consent of the slave-holders, who are not represented; and I warn gentlemen, that the South—I speak for all as strongly as one man can speak for many, for millions—that the South will fight to the hilt against the abolition of slavery in this District, unless the inhabitants owning slaves themselves petition for it, as they would against any interference with the right of slave property in Virginia.

The gentleman calls this a great "national question." I protest, sir, against its being so considered. The nation has nothing to do with slave property. It is simply a delicate question of private, individual right, wholly and solely under the control of the States where slavery exists. It is a reserved State right, with which the general Government has no right of interference even, and from intermeddling with which the free States and their inhabitants should scrupulously abstain. The pseudo-philanthropists of the North do but defeat their own objects, when they rudely attempt to touch or handle a subject which does not immediately concern them; and true Christians and philanthropists will always find their principles, and the cause of humanity, best subserved by being the friends of slave-holders, instead of being the friends of slaves, and by co-operating with intelligent, humane, enlightened, and patriotic slave-owners of the South, by ways and means which the lights of the age have already shown. If violence or intrusion upon our rights be persisted in and pursued, gentlemen will find Union men and Nullifiers of the South all united on the subject—ready, ripe for revolution, if the worst must come to the worst!

I hope, sir, that this House will not shock the South more by the printing of this memorial, than the constituents of the gentleman from New York were ever shocked by slave advertisements; and that it, and all others like it, will now and for all time to come be smothered and suppressed.

Mr. **BOULDIN** said he should not have risen again but for a remark made by his friend and colleague, [Mr. Wise.] His colleague had said that he was not for sending a firebrand in the South; but for this part of his colleague's remarks, he would not have risen to say another word. Mr. B. said, far be it from him to cast, or be the means of casting, a firebrand in the South, or the North, or any where. But he had said he would vote to print, merely that the South might know what was going on. He would put it to his colleague, if presenting such memorials as this was not, as his colleague had said, like putting a torch to a man's house; and if a proposition not to print was not like putting a torch to his colleague's house privately, and, on detection, asking him to keep it a secret.

Mr. **WISE** explained, and said he had no allusion to him, and that he was among the last men he would charge with throwing a firebrand.

Mr. **BOULDIN** said he was sure of that; but did not know that every one would be equally so.

Mr. **ARCHER** then rose and asked leave to make a suggestion to lay the whole subject on the table.

Mr. **BOULDIN** said he would answer to that suggestion of his colleague immediately. He wished only to say a word or two.

Mr. B. said, far be it from him, and very far had it been from him, to throw any firebrands, or make any offensive comparisons between his and any other part of the Union. But the memorial did. It alluded to habits, and customs, and legal rights, common to this District and to the States of the South, in the most disparaging terms. Mr. B. had refused, and did then refuse, to make any comparison of the principles, habits, or laws, of the South, and North, and East.

He said the South had their infirmities, their weaknesses, and their misfortunes, and perhaps the one alluded to was the greatest misfortune to which the people of the South were liable. But had gentlemen no misfortunes, no infirmities, in the body politic among them? Suppose he were to go into their country, and inquire into every thing, and see what they had and could not well get rid off. But he would not. He had no idea of being reduced to the necessity of answering and defending every infirmity and misfortune incident to our nature, or cower under the charge. Let them that were without fault cast the first stone.

He would, before sitting down, say one thing. He had seen, in the testimony taken before the House of Commons in England, proof that a man and his wife had literally starved for want of the work to which they were brought up, in making negro cotton. He knew that many negroes had died from exposure to weather, for the want of that negro cotton. Clad in a flimsy fabric, that will turn neither wind nor water, substituted by Northern and Eastern people, who present these memorials, or from whose region they are presented, which substitute sold, under protecting duties, for the profit of perhaps four pence half-penny in the yard. So the poor Englishman is starved, and the poor slave perishes in the cold, for this profit. It appears, then, that after all their piteous ditties, sung and said, their philanthropy does not amount to 6¼ cents a yard in the negro's clothing. Having said thus much, and after hearing his colleague, and lest it should be thought by any one that he wished to throw a firebrand any where, he would, at the suggestion of his friend and colleague, [Mr. ARCHER,] with a view to get clear of the whole matter, and lay it on the table, yield to him the floor to make that motion.

Mr. ARCHER said he considered it almost as indiscreet in gentlemen from the South or slave-holding States to discuss this question, as it was for the Representatives from the North to introduce it. He would add nothing to this remark, but moved to lay the whole subject on the table.

The question was then taken on laying the motion on the table, by yeas and nays, and decided in the affirmative: Ayes 139, noes 63.

WRITINGS OF WASHINGTON.

Mr. WISE, from the committee on the subject, reported the following joint resolution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, authorized to purchase of Russell, Odiorne & Co. one thousand copies of the writings of General George Washington, now being edited by Jared Sparks, provided that the said works shall not cost more than three dollars per volume. And the Secretary of State shall cause to be distributed a copy of the same to each member of the present Congress, to each Governor of the States, for the use of the State libraries, to each university and college of the United States, and to the public libraries in foreign countries, whose Governments have made presents of valuable books to the library of Congress, and that the purchase money of the same be, and is hereby, appropriated out of any money in the treasury not otherwise appropriated by law.

The resolution was read twice, and Mr. WISE moved to commit it to the Committee of the Whole.

Mr. SMITH, of Maine, said he hoped the House would dispose of the resolution now. Every gentleman must be aware of the difficulty of knowing when a resolution of this description will be taken up, in the haste of proceedings at the close of a session. It is impossible for those opposed to keep watch of its progress, and it may pass from its not being observed, when it would not under other circumstances. Sir, I am opposed to it. It must be known to the House that, under two resolutions of this House passed at the last session of the present Congress, more than $41,000 have been expended for books for the members of this House. This appears from the published account rendered by the Clerk of the House. This, sir, ought to suffice for one Congress. I regret to say that I voted at the last session for one of the resolutions to which I now allude, while it was passing a preliminary stage. But, sir, if there is one vote of all the votes I have ever given, that I desire to blot out more than all the rest, it is that vote. That the books now offered are valuable, I do not doubt. That they are desirable, is also true. I would, sir, that every individual in the nation had a copy of them. But I do not think we are justified in voting these books for our private libraries, nor even to recompense those who have generously contributed to the public library of Congress. They do not relate to the legislation of the country. They appertain to the general history of the nation. Those who desire them should obtain them at their individual expense. I know not, said Mr. S., the source whence this resolution has come; for, until now, I never heard of it. But, sir, I will assure the mover of it that I am opposed to it, not upon the ground that the books are not valuable, nor upon the ground that they are not desirable and useful as history, but solely upon the ground that we ought not here, as the Representatives of the people, to vote ourselves books of this description, to be paid for out of the public treasury.

He concluded by moving to lay the resolution on the table, but withdrew the motion on a pledge for its renewal by

Mr. WISE, who further explained, adverted to the heavy expense of the publishers, and the patronage which had been extended to other works having weaker claims. The resolution went to limit the price. Three volumes had been already published, and it was expected the work would extend to twelve volumes. He hoped the House would not consent to the motion he was now pledged to make. He thereupon renewed the motion to lay the resolution on the table, and demanded the yeas and nays upon it. By permission, he replied, in answer to a query whether these writings were not those the MSS. of which had been already purchased by Congress, that they were, though the whole was not to be published. The yeas and nays were then taken, and stood: Yeas 141, nays 48. So the resolution was laid upon the table.

STATUE OF JEFFERSON.

Mr. JARVIS reported a resolution, directing the bronze statue of Jefferson to be removed from the rotundo, and kept in some safe place until Congress should take order for its disposal.

Mr. MERCER moved to amend, by striking out all after the removal.

After some desultory conversation, **Mr. CHINN** moved to lay the resolution on the table; but the motion was negatived: Ayes 68, noes 85.

Mr. MASON, of Virginia, inquired whether the House had accepted the statue. He understood that the House had accepted, and the Senate refused. Under these circumstances, he thought the owner (Lieutenant Levy) ought to be allowed to take back the statue.

Mr. MERCER explained his reason for moving the amendment to be that he was unwilling the House should accept a present from any but a distinguished source; as it was a high honor for the House to confer, to receive a present on behalf of the nation from any one. He would vote to-morrow for ordering a suitable statue of Mr. Jefferson to be executed.

Mr. ADAMS thought the motion in its present form was not respectful to the donor of the statue; especially after the House had voted to accept it. He should prefer that directions should be added for the returning the statue to the owner.

The discussion was cut off by a motion of **Mr. POLK** that the House pass to the orders of the day; which prevailed.

WASHINGTON AND BALTIMORE RAILROAD.

On motion of **Mr. CHINN**, the House took up the bill authorizing the Baltimore and Washington Railroad Company to construct a railroad within the District.

Mr. PARKER moved several amendments to the bill, the principal feature of which was to relieve the company from the restriction which confined them to the streets, and the requiring of the road to pass through the city to the company's basin near Georgetown.

Mr. P. explained and defended his amendment in a speech of much earnestness; to which **Mr. CHINN** briefly replied, stating that the bill, as reported, had the concurrence both of the company and of the corporation of Washington.

Mr. McKIM, to end the discussion, moved the previous question.

Mr. PARKER moved an adjournment, but it was negatived.

The previous question was then seconded: Ayes 91, noes 32; and being put and carried, the bill was ordered to be engrossed and read a third time to-morrow.

A short time was then spent on a bill for certain improvements in Florida; but there being scarce a quorum left in the House, the farther consideration of the bill was postponed, and

The House thereupon adjourned.

Tuesday, February 17.

STATUE OF JEFFERSON.

The joint resolution for the removal of the bronze statue of Jefferson out of the rotundo was taken up, as the unfinished business of yesterday.

Mr. McKINLEY moved to postpone the resolution till to-morrow, and thereupon he asked the yeas and nays; which were refused.

The motion was agreed to: 78 to 63.

COMPENSATION TO R. P. LETCHER.

Mr. McKINLEY asked if it was now in order to take up the resolution in relation to the election of printer.

The **SPEAKER** stated that the business in order was the resolution reported from the Committee of Elections; which was read.

Mr. McKINLEY moved to lay the resolution on the table; which motion was rejected: 74 to 81.

The House then resumed the consideration of the following resolution, reported from the Committee of Elections:

"*Resolved*, That Robert P. Letcher, having been returned as the rightful member of the House of Representatives of the United States from the fifth congressional district of Kentucky, is entitled to compensation as a member of the last and present session."

The question being on the adoption of the amendment offered by Mr. Hardin, including within the proposition Thomas P. Moore,

Mr. VANDERPOEL said, as he was a member of the Committee of Elections last year, and was still connected with that committee, he would take the opportunity of saying a word about the resolution and amendment under consideration. It would be recollected that the committee had reported that Mr. Moore was duly elected, but had also reported that both gentlemen ought to be paid. The House decided that the question, as to who was the elected member, was a matter of so much doubt that it could not satisfactorily decide it, and accordingly referred it to the people. This tribunal had decided in favor of Mr Letcher, and the committee could not therefore reasonably, at least so far as it regarded Mr. Letcher, recede from the ground they had taken last session. If the House was then under obligation to pay either party, that obligation was not discharged by any thing that has since transpired. To be sure, Mr. Letcher had said, at the conclusion of the speech which he had made at the bar of the House, that, without having his seat, he would not receive his pay, but this did not absolve the House from its liability, if it ever existed.

Mr. V. said he would vote for the amendment offered by the gentleman from Kentucky, [Mr. Hardin,] which proposed to pay Mr. Moore, but, should that be rejected. he would still vote to pay Mr. Letcher. The committee had proposed to pay both, because they conceived Mr. Moore to be the certificated member, and because both gentlemen had been detained here under the order of the House. The claim of Mr. Letcher was certainly not weakened by a decision in his favor, by the tribunal (the people) to which the case was referred. Still he would, for the reasons before stated, and in accordance with what the committee had recommended last year, vote to pay both. This was a very peculiar case, and would not, probably, very soon occur again. He would prefer having the cases or claims of each gentleman brought before the House in the shape of distinct propositions, that one might not embarrass the other; but as the amendment was proposed, he would vote for it; and repeated that, if rejected, he would vote for the original resolution.

Mr. LETCHER, in order, he said, that he might place himself *rectus in curia*, as to this matter, explained that what he said last session was, that he would not take the pay unless he was entitled to the seat. He did not say that he would not accept the pay if he was entitled to the seat.

Mr. J. Y. MASON said it was a constitutional privilege to contest the claim for a seat in this House, on proper grounds; but it had never occurred that two individuals received pay at the same time. He had no doubt that the travelling expenses of the claimants ought to be paid in every case. He read the resolution of the last session which, he said, referred it to the people to determine who was the rightful member. The people had determined the question in favor of Mr. Letcher.

Mr. BEARDSLEY was willing, he said, to vote in favor of giving mileage to both of the gentlemen, and he would go no further as to either. The people had not determined that either of the claimants were ever elected; and neither of them, he thought, had any claim to a per diem compensation. As to the present member, the House had determined that they were incapable of determining who was elected. The question was sent back, not for the people to say which had been elected; for that was not the question submitted; but it was left to the electors to determine who they would choose, and they chose Mr. Letcher in preference to Mr. Moore. We were now asked to pay these gentlemen per diem for attending here to contest the seat. He considered it extravagant to pay two members, when the House had determined that neither of them was elected. There was good reason for paying the mileage, but further than that he would not go. If one obtained the per diem allowance, however, the other ought also to have it. He should vote for the amendment and against the resolution.

Mr. JONES, of Georgia, said this case was very different from any which had ever before been presented. It was customary for the House, in case of a contested election, to pay the sitting member up to the time when the adverse claim was established, and to pay the successful claimant also from the commencement of the session up to that time. In this case, then, two members were paid. The gentleman from New York was mistaken as to the determination of the House at the last session. They did not determine that neither of the claimants was elected, but that it was impossible to determine which was elected.

Mr. LANE said that contesting a seat in this House was a voluntary act of the claimants, who were not brought here by order of the House. The House in this case could not come to a satisfactory conclusion which was chosen, and referred it to the people to determine who was entitled to the seat. The people had decided, and he would take that as a proof who is and was elected. He would therefore vote only for the pay of one.

Mr. EVANS was opposed, he said, to the amendment which proposed to pay the unsuccessful candidate, unless there was a precedent for it. If there was a precedent, he would vote for the amendment, though he considered it as a very bad precedent. One of the claimants (Mr. Moore) exhibited a certificate of election, which was decided to be insufficient. The other claimant offered to prove that he had received a majority of votes, and that, but for the censurable conduct of an officer, he would have been returned, in the regular manner, as elected. Now, he (Mr. E.) held to the principle, that what ought to have been done was done. To pay Mr. Moore would be to establish a principle that persons coming here to contest any thing shall be paid, if they are unsuccessful.

Mr. CLAYTON said it was a good maxim in law, that what ought to be done is done. When the claimants presented themselves at the last session, if the House had declared one of them to be entitled to the seat, that one would, of course, receive his regular pay. But both of the claimants agreed not to take the seat, and to leave the question to be adjudicated by the House. The House kept them here all the session, and, finally, left the question to the people. The House certainly would not say that the pay which the sitting member from Kentucky would have received, should now go into the public treasury. Mr. Letcher would have been entitled to the pay if he had taken the seat; and no one could say that the Government was entitled to that money. Mr. Moore he considered justly entitled to mileage.

Mr. BURGES said that, when there was ground of contest, elections ought to be contested at the expense of the nation. It would have the tendency to purify elections to enable men to come here and contest them when they were at all questionable.

Mr. R. M. JOHNSON said he could make no difference between the parties. They received nearly an equal number of votes, and neither of them could have deserted his post, and his friends, and declined the contest before the House. He was in favor of paying both, and should vote for the original proposition and for the amendment.

Mr. CLAY said the House had spent several weeks in discussing this subject last year, and seemed now disposed to renew the discussion. Confiding in the disposition of the House to do ample justice to the claim of Mr. Moore whenever it was brought before the House, he moved the previous question.

The House refused to second the motion for the previous question, by a vote of 67 to 92.

Mr. POLK moved that the House proceed to the orders of the day; which was agreed to: 93 to 64.

HEIRS OF COUNT DE GRASSE.

The **SPEAKER** laid before the House the following message from the President of the United States; which was referred to the Committee on Revolutionary Claims:

To the House of Representatives of the United States:

I transmit to the House of Representatives, for their consideration, a petition to the Congress of the United States, from Adelaide Grasse de Grochamps, one of the surviving daughters of the Count de Grasse, together with the letters which accompanied it. Translations of these are also sent.

ANDREW JACKSON.

Washington, *February* 16, 1835.

Mr. WATMOUGH moved to postpone all the previous orders of the day, for the purpose of taking up the bill to regulate the pay of the navy.

Mr. POLK demanded the yeas and nays; which were ordered, and were: Yeas 110, nays 103.

So the motion prevailed.

NAVY PAY BILL.

The House then took up the bill to regulate the pay of the navy of the United States.

The question pending was on the following amendment, offered by Mr. Pope:

"That the bill, with its amendments, be submitted to the Committee of the Whole on the state of the Union, with instructions to amend the same by striking out from the thirty-second to the thirty-ninth line, inclusive, and inserting in lieu thereof—

"When commanding a squadron on foreign service, three thousand five hundred dollars.

"When commanding a single ship, or in any other service, three thousand dollars.

"When on leave, or waiting orders, two thousand dollars." And by striking out the remainder of the bill from the commencement of the one hundred and ninety-fifth line, beginning with the word "including."

Mr. POPE said, as the House had consented to take up the bill, he hoped they would dispose of it without discussion, and the motion would be agreed to.

After some conversation as to the mode of proceeding,

Mr. FILLMORE called for a division of the question, on commitment and instructions.

Mr. BEAUMONT then said, as this bill provided for an increase of the salaries of officers, and was not intended to benefit the sailors, he moved to lay the motion to recommit on the table.

The question was taken by yeas and nays, and decided in the negative: Yeas 75, nays 132.

Mr. POPE modified his motion to instruct, so as to leave the allowance of ten cents a mile for travel, and to allow the captains in command $4,000 when on foreign service.

Mr. GILLET was anxious, he said, to add a declaratory clause to the end of the bill, to prevent any extra allowances. But he was willing to allow ten cents a mile for travel. If the House would go into committee without instructions, they would be able to amend the bill, so as to render it more generally acceptable.

Mr. S. JONES suggested that the clause might be added to the instructions moved by the gentleman from Kentucky.

Mr. HARDIN thought it better, he said, to go into committee without instructions, and to let the amendments be there moved, one by one.

Mr. BURGES was in favor of going into committee without instructions.

The motion to recommit the bill with instructions was divided, and first put on recommitment; which was agreed to.

The House then, on motion of **Mr. WATMOUGH**, went into Committee of the Whole on the state of the Union, Mr. Briggs in the chair.

Mr. POPE moved to amend the bill, so as to fix the pay of captains, when commanding squadrons on foreign service, at $4,000; commanding a single ship, $3,000; and when off duty, $2,000.

Mr. WISE moved to amend this amendment, by making the first sum $4,000, the second $3,500, and the third $2,500.

On this amendment a very desultory debate arose, in which it was contended by **Mr. WISE** that the amendment of Mr. Pope; instead of raising, would actually reduce the pay of all captains in the navy.

Mr. POPE, on the other hand, insisting that the amendment he had offered met the wishes of nine hundred and sixty out of one thousand officers of the navy.

After repeated ineffectual attempts to get a quorum to vote, tellers were demanded, and being appointed, the vote stood: Ayes 79, noes 46. So the amendment of Mr. Wise to the amendment of Mr. Pope was adopted.

Mr. POPE then moved further to amend the bill by striking out all extra allowances to officers, save ten cents a mile for travelling expenses when under orders.

Mr. GILLET moved to amend this amendment, so as to insert prohibitory clauses against not only all extra allowances, but all rations also; so as to confine the pay of the officers to a salary alone.

Mr. GILLET said, in submitting the amendments which he had the honor to offer, he begged leave to state that his object was to perfect the bill, as far as it was possible to do so. He was the more anxious to do so, as he clearly foresaw that the bill would pass. His amendment was to strike out these words:

"One ration per day only shall be allowed to all officers when attached to vessels for sea service.

"The compensation hereinbefore specified shall be in full for pay and subsistence, and for all allowances in lieu of cabin furniture to commanders of vessels and squadrons, and for all allowances to officers attached to navy yards, or employed on any shore duty, except for detention on surveys of the coasts and yards, or vessels, or courts-martial, or boards of examination, for which an additional allowance of two dollars per day shall be made; for house rent or chamber money, for which two dollars per week shall be allowed, where quarters or public accommodations be not provided, and for travel under orders, for which ten cents per mile shall be allowed. And all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

"Sec. 2. *And be it further enacted*, That the Secretary of the Treasury shall be, and he is hereby, authorized and directed to deduct from the pay hereafter to become due of the commission and warrant officers of the navy of the United States three per centum of the amount thereof, and to pay the same to the Secretary of the Navy and the Navy Commissioners for the time being, who are hereby appointed a board of commissioners, by the name and style of "Commissioners of the Navy Widows' and Orphans' fund;" which, together with any other moneys to which the fund may become legally entitled, shall constitute a fund to be invested by said board, and the proceeds of it divided and disbursed in such manner as may be hereafter prescribed by Congress."

And insert the following:

"That no allowance shall hereafter be made to any officer employed in the naval service of the United States, for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States, nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same; nor shall any allowance be made to him for rent of quarters, or to pay rent for furniture, or for lights or fuel, or for travelling expenses or transporting baggage; nor shall any such officer be allowed to transport, or aid in transporting, for pay, any specie or property for any person. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance, that shall be received, under any circumstances whatever, by any such officer."

It would at once be perceived that he had several objects in view. He desired, firstly, to dispense with the ration which was provided. The retaining it would be adding to the salary of each officer, when attached to a vessel, $91 25 per annum. When all the officers of the navy should be attached to vessels, this would create an expense, beyond the large salaries now proposed, of about one hundred thousand dollars a year; and, when averaged among the whole, would increase their pay, beyond the proposed salaries, about ten per cent. There was no good reason for this indirect increase. It partook of the character of the "allowances" of which he should presently speak. The only reason he had heard assigned for the continuance of this ration was, that sometimes, at sea, it would so happen that the officers would need the usual sea stores of the ship. In practice, however, it was well known these rations were seldom received in kind, but in cash. There could be no practical difficulty in dispensing with the ration. The officer might receive it from the ship's stores, and have it charged to him as so much applicable to his pay; and he could not perceive why it could not be as easily charged to him as so much wages paid as so much rations. The labor would all be the same. He thought the salaries high enough without this addition. The increase of the expense of the navy was quite as great, without it, as would be satisfactory to the country.

Mr. G. said, in ordinary times, he should have expected to see one large division in this House voting with him, in his effort to prevent so great an increase in salaries of the officers of the general Government. He alluded to those who, at the last session, had expressed the opinion that money had very much increased in value, by the act of the Executive, and those who had voted to diminish the salaries of numerous public officers twenty-five per cent., when the pay of those officers did not average as much as the present pay of naval officers. He believed the chairman of the select committee, [Mr. Watmough,] who was urging this bill, had been, on the occasion alluded to, particularly favorable to the effort to diminish the pay of most of the civil list. The proposition was then to reduce the pay of the Vice President and the heads of Departments below what it is now proposed to give captains in the navy. Even the postmasters in the country, although their whole yearly compensation might not amount to twenty dollars, were to have had one fourth of that sum taken away, because money was then, and was to continue to be, at least that much more valuable than it was a year before. He thought the chairman, and those who had acted with him at the time referred to, stood in a singular position to advocate an increase of salaries, already higher and more adequate to service rendered than those he had attempted to reduce one fourth. And the effort to annex to the high salaries provided in this bill an emolument of $91 25 per annum to each officer, came with a peculiar ill grace from that quarter. He confidently expected that those who professed to be opposed to the increase of the expenses of the general Government, who had been so free in their censure of its past expenses, and expressed such apprehensions for the future, would go with him, at least so far as to cut off this indirect increase. Gentlemen well knew that, if Congress passed laws requiring expenditures, the Executive must execute those laws. He must carry their law into effect; and if there was any fault in the expenses of the general Government, it was chargeable to Congress, who pass laws requiring those expenses. Congress controlled this subject, and if there was ground for censure, it was with that branch of the public service. Until it was shown that the President expends money without the authority of law, he ought to escape censure; and gentlemen should be slow in their criticisms in this matter upon the law-making power. He hoped he should not call in vain upon the House to go with him in his efforts to prevent this enormous and unnecessary increase in the public expenditures.

Mr. G. said the House would perceive in the other part of his amendment, in which he proposed to strike out the provision giving other compensation in certain cases, that he aimed a blow at what is here well understood by the term extra allowances. It was by virtue of these, that officers, occasionally at least, had had very valuable additions made to their regular pay. Mr. G. said that, when he had the honor first to propose this amendment, it did not appear to meet with much approbation; and particularly from the chairman of the select committee, [Mr. Watmough,] who said it would render the bill "incongruous." He believed the honorable member had changed his opinion, or at least would yield his opposition to that part of his amendment. Mr. G. hoped, before he had done with the subject, to bring the mind of the House to the conclusion that the clause giving these extra allowances ought to be stricken out, and the words which he had proposed inserted, which prohibited their being made under any circumstances whatever. From what appeared to be the wish of many of his friends, and the will of the House, and to prevent the defeat of his amendment, he should consent to strike out so much of it as prohibited naval officers from transporting specie for pay. He would, however, state that his own convictions were clear that this prohibition was a necessary one, to cut up by the root a practice which was becoming general, and which was, in his opinion, ruinous in its consequences. Rumor had told of immense fortunes made by naval officers in this business. He much feared that this practice would lead to that of going needlessly from place to place, merely to carry specie for the per centage to be received by the officer in command. It might be easy to find a pretext to justify the going from place to place, when the real object was to carry specie. He believed the continuance of this practice in the navy would destroy its energy and usefulness, and reduce our ships of war to a level with merchantmen, and our gallant officers to that of freighters. He should have no objection to its being carried free of expense, as that could not lead to abuse.

The clause in the bill as it now stands, although it pretends to cut off all allowances, does not do so in fact. It says: "The compensation hereinbefore specified shall be in full for pay and subsistence, and for allowances, in lieu of cabin furniture, to commanders of vessels and squadrons." This is all that relates to commanders of vessels and squadrons. It will be perceived that it cuts off only a single allowance, while it purports to cut off all. The allowances to all other officers purport to be cut off, but it will be seen, on close examination, that there is a long list of exceptions. The Government pays an officer for all his time; and he could see no reason why he should be allowed two dollars per day, when "detained on surveys of the coasts and yards, or vessels, or courts-martial, or boards of examination." This service could not be more hazardous or laborious than the ordinary naval service. The tendency of this extra per diem allowance would be to protract the completion of the business on which he might be engaged.

The section provided house rent, or chamber money, at the rate of two dollars per week. The substance of this provision is this: to give to the officer, in addition to the large salary proposed, to say nothing of the rations, one hundred and four dollars per annum. In practice, he understood it to be usual to hire a room at a hotel or boarding-house, and have board furnished at that place, paying a given sum for both, and taking a receipt for rent of rooms, sufficiently large to cover the allowance. He had been told that this allowance had often been made when even these forms had been omitted. Under this bill it might be fairly allowed as a part of the salary. Let us cut off this extra also.

He had concluded to modify his amendment so as to give pay for travel under orders. When he inserted the provision to prevent this allowance, he apprehended that it might lead to abuse. It might so happen that an officer would be ordered to travel, when the journey was solely to accommodate the officer. He had been told that such things had happened, but he could not vouch for the accuracy of his information. On the other hand, a Secretary who would not scruple to make orders to afford favorites an opportunity to travel at the expense of the Government, would hardly be restrained from gratifying a worse feeling by ordering officers, whom he wished to drive out of the service, from point to point, if they had no travel allowance, when the public service did not require it. The chances of abuse were equal. There remained this reason for the allowance: the public service often required an officer to proceed from one part of the Union to another; say from Portsmouth to New Orleans. The expense of this journey would be very considerable, and could not be borne by the officers of the lower grade, without consuming nearly all the pay allowed for a year. To prevent the hardships which would fall upon this class, if no travel fee were allowed, he had concluded to modify his amendment so as to allow them ten cents per mile for travel under orders.

Mr. G. said he desired not only to strike out these objectionable items, but he wished the prohibitory part of his amendment adopted. That not only prohibited the allowances referred to, but it went further; it prohibited a practice which had formerly prevailed in allowing commissions to commanders of ships or squadrons. The time had been when, under the navy regulations, two and a half per cent. had been allowed for the trifling labor of drawing bills. To the commodore of a squadron this would amount to a large sum. At one period, he had understood that a gross sum of $2,000 per annum had been allowed for this service. He also desired to prohibit the paying a per centage (often allowed) for receiving and disbursing public money; and also that of conferring a distinct agency under which additional pay is received. Whether it had ever occurred or not, he could not say, except upon the authority of current report; but it was now possible, and not prohibited by law, to confer upon the commander of a ship, or other officer on board, an agency distinct from his official duty, and pay him such sum as the service might allow. In this way the secret service fund might be expended upon naval officers abroad, while they were in receipt of full salaries under their commissions. This he wished to prevent. When the Government pays its public servants for their whole time, there could be no sufficient reason for paying them again for distinct portions of it, and they should be content with that, or leave the service.

Mr. G. remarked that it had been said that these officers could not live without the allowances provided in this bill. If this is so, he would ask, how do they live now, when it is said they get such inconsiderable pay? The salary alone, provided in this bill, is much greater than the officers represent their whole pay to be at the present time. He believed these salaries were quite ample, and some of them were too large. Mr. G. said officers were created to transact the public business, and not for the personal benefit of the office-holders. Such compensation should be provided as would command competent persons, who would discharge the trust committed to them with fidelity. Officers of the navy and army stood upon a different footing from all others, save the judiciary; they were officers for life, if not discharged for improper conduct. Hence, that pay which would meet their reasonable and necessary current expenses was the true compensation, as they would never be without a competent income.

It might here be stated that the present compensation had commanded valor, skill, and fidelity. Would any one pretend that it had not? All admitted it had. It was also pretty generally understood that a portion of these officers had made themselves rich. Hence it might well be contended that no increase of the present pay was necessary. Certainly there can be no ground for an increase beyond the salaries proposed. He fully concurred with those who had expressed the opinion that more than was necessary to meet, with due economy, their necessary current expenses would lead to extravagance, inattention to duty, and injure the service.

But, suppose the salaries are insufficient, is it best to increase them, or make allowances? In his mind there was no doubt that the salary should be so fixed as to give all the pay intended. This would prevent the possibility of abuse in pay, and would also avoid, what was now too common, difficulties between those claiming extra allowances and the accounting officers of the Department. Now, officers were often put to inconvenience in coming to Washington to explain and settle their accounts; and we are not without precedents of their going away dissatisfied. We had even had appeals to Congress from the decisions of the Department. We had had a signal instance this session. These would continue as long as the system of allowances was permitted to exist. It was also often important to officers to know the amount they could receive, and to have no part of their income involved in doubt. The people also desired to know the amount paid to each officer; they wished to understand whether the pay allowed to their public servants was such as would meet their approbation. Under the allowance system, they would never know what was received by any officer. It was also important that there should be certainty in the pay of all persons engaged in the public service, so that specific and certain appropriations might be made to meet the exigencies of the service. But what he deemed most important of all was, to place it beyond the power of the Executive or the Department to make any possible draft upon the treasury beyond a certain and known salary. Not that he so much feared abuse, as the suspicion of it. Now, honorable gentlemen rise in their places, and allege that the expenses of the Government are increased, and charge it to the fault of the Executive, and often point to the fact that some of the compensation of public servants depends upon Executive discretion. He wished to put this matter beyond controversy. He would allow nothing of the kind, except from the most cogent necessity, to depend upon the will of any man. He would make the whole a matter of law, and that law would be before the people. If they approved it, their sanction would be freely given; if not, they would as freely condemn. Suspicion might be easily excited against the most upright and correct who exercise such discretionary power. This House will then do an act of favor—nay, an act of justice—to those who administer the laws, to give them as little discretion as possible. Give them none where it is possible to avoid it. Then all will refer to the law as settling the proper rule of action, and be governed by it. Then, if complaint is to be made, it will be in petitioning to Congress to amend and alter the law, and not to the executor of the law for an exercise of his discretion. For these reasons he was decidedly of opinion that it would be far preferable, if greater compensation were necessary, to give it at once in the shape of a salary, than to attempt it in this indirect manner. He trusted, however, that he had sufficiently shown that the salaries proposed were at least high enough without this addition. By this bill they were higher than in any other portion of the public service; and much smaller pay had commanded the best naval officers in the world, and he had no doubt would continue to do so. He then protested against this attempt indirectly to increase pay already sufficiently large.

Mr. G. said he understood that the second section of the bill was to be stricken out by common consent, and therefore he would make no remarks upon it. He said there was one other amendment he desired to make. He wished to strike out these words: "Officers temporarily performing duties belonging to those of a higher grade, shall receive the compensation allowed to such higher grade while actually so employed." This section was liable to lead to abuse. There was no check upon those who should administer the law to prevent their assigning those of a lower grade to perform the duties of a higher one for the express purpose of increasing their pay. If it were possible under the law for him to do so, he would doubtless be pressed to do it. When he should yield for once, he would be overwhelmed with applications of the kind, and they might not always be resisted. His object was to prevent the possibility of these things; and he therefore hoped the friends of the bill would assent to the amendment. It would prove equally beneficial to the service and to the Department. He expected the bill would pass; but, unless its friends permitted it to be amended, and made such as he thought it ought to be, he could not vote for it. And he confidently expected that those who were opposed to executive patronage, and discretionary executive power; those who were for lowering salaries; and those who objected to the amount of the expenses of the Government, would be found voting with him. If they were not, he should indulge the hope that, at least, expenses incurred under the laws of Congress would not occasion their future animadversion; that they would allow the Executive to execute the enacted laws, let the expense be what it might, without incurring their censure. This was due to candor, to truth, to the people, and to that man "who has filled the measure of his country's glory," and those who might succeed him in the executive chair.

The CHAIR pronounced the amendment not to be in order, as it left no part of Mr. Pope's amendment to which it could attach.

Mr. GILLET thereupon withdrew his amendment; and the question being put on Mr. Pope's, it was carried: Ayes 85, noes 39.

Mr. JARVIS moved an amendment, striking out the provision for the pay of the surgeon general, on the ground that no such office existed, and an appropriation bill was not the place to create it.

Mr. WATMOUGH opposed the amendment, and it was withdrawn; when

Mr. MANN, of New York, renewed it; and the question being put, it was carried: Ayes 95, noes not counted.

Mr. GILLET now renewed his amendment, inserting prohibitory clauses against all extra allowances or rations, and confining the pay to a salary and travelling expenses, at ten cents a mile, when under orders.

The question was negatived: Ayes 61, noes 69.

Mr. JACKSON, of Massachusetts, moved to amend the bill, so as to allow officers on furlough only half pay, instead of two thirds, and briefly stated his reasons.

And it was carried.

Mr. GILLET moved to strike out the provision that officers temporarily performing the duty of a higher grade should be allowed the pay of that higher grade.

Mr. G. thought it very likely to lead to favoritism and discontent.

Mr. WHITE opposed and Mr. MANN, of New York, advocated this amendment—the latter gentleman with much warmth—inveighing against the provision as a parallel with brevet pay in the army, and being nothing better than a firebrand to the peace and harmony of the navy.

Mr. BURGES defended the provision proposed to be stricken out as founded in obvious justice: he had too great reliance on the honor and magnanimity of the officers to believe the provision could be abused.

Mr. JONES replied and supported, and Mr. CLAY opposed the amendment; which was rejected: Ayes 34, noes 82.

No quorum having voted, the question was again taken, when the ayes were 8, and the noes 97. There still being no quorum, Mr. FOSTER stated that members were pertinaciously keeping their seats, voting neither on one side nor the other; he hoped their names would be taken down and entered on the journal. Such a practice must stop all action in this body.

The CHAIRMAN counted, and reported that 151 members were present.

The question being put once more, the amendment was rejected without a count.

Mr. JARVIS moved several amendments, which went to give commandants over ten years' service 1,500 dollars—waiting orders, 1,200 dollars. It was not agreed to.

Mr. J. moved a further amendment, reducing the pay of passed midshipmen so as to give them, when on duty, 600 dollars, and when waiting orders, 500 dollars. It was rejected.

The committee then rose and reported the bill, as amended.

In the House the amendments were read consecutively; when

Mr. JONES moved to amend the bill so as to reduce the pay of captains from 3,500 dollars to 3,000 dollars, and from 2,500 dollars to 2,000 dollars, and asked the yeas and nays; but the House refused to order them; and the amendment was rejected—

And the several amendments reported from the committee were concurred in.

Mr. GILLET renewed the amendment prohibiting extra allowances, &c., as above stated, when the House was in committee, and supported it by a speech, in which he deprecated the continuance of the difficulties already frequently recurring from the allowance of extra pay. He wished to put an end to all difficulty, by confining the officers to specific salaries. He insisted that, unless an express provision should be inserted, the allowances would still be made, and the ships of the navy would be employed to transport specie or goods of private individuals. He was decidedly opposed to the allowance of rations. He concluded by asking the yeas and nays; which were ordered.

Mr. McKIM opposed the amendment. How was the specie from South America to be brought home, in case of war or danger? To cut off all allowance would be apt to operate as a prohibition. He thought one half per cent. ought to be allowed: it was allowed in the British navy, and its abolition would be mischievous.

Mr. BURGES followed on the same side, and warmly opposed the amendments, as reflecting on the character of our naval officers, and narrowing their privileges in an unworthy manner.

Mr. HARDIN was in favor of so much of the amendment as prohibited an allowance for drawing bills, and he went into a history of that allowance, from its origin. He was, however, in favor of an allowance for the transportation of specie.

Mr. ADAMS strongly advocated the allowance of a commission on the transportation of specie, as just, expedient, and, indeed, indispensable. The money must come in armed ships or not at all; and if our vessels refused it, it would come home by British vessels.

Mr. MANN suggested to Mr. Gillet to strike out that item of his prohibitory clauses which referred to the transportation of specie; and Mr. G. accepted it as a modification.

Mr. M. then went on to inveigh, with warmth, against the allowance of rations and other items of extra compensation.

Mr. WATMOUGH moved to amend Mr. Gillet's amendment, by inserting a prohibitory clause much resembling his, but omitting that part relating to specie. But it was rejected.

Mr. PARKER was in favor of the allowance of rations, as often indispensably necessary, and wanted to have a division between striking out and inserting; but it was declared out of order.

Mr. JONES moved to amend the amendment, by reinserting the prohibition of an allowance for transporting specie; it placed the citizens of the Union at the mercy of the officers in time of war. Let the articles of war require them to transport gratis.

Mr. McKIM referred to his long experience in the freighting of specie; and dwelt upon the justice and policy of the allowance. It was always cheerfully paid.

Mr. JONES rejoined, and warmly protested against the allowance, as a disgrace to the country. He asked the yeas and nays, but the House refused them, and Mr. Jones's amendment was rejected.

Mr. Gillet's amendment was amended, on motion of Mr. FILLMORE, so as to leave out of the amendment the prohibition of the allowance of rations.

Mr. WHITE further moved to amend it by striking out the prohibition of allowance to any "person employed" for drawing bills; which was agreed to.

Mr. LOYALL moved a prohibition to any officer to take his wife, or other female member of his family, to sea, on board a public ship.

Mr. L. briefly supported the amendment, and adverted to the case of the Enterprise, where our flag was insulted with impunity, by a Spanish cruiser, on account of the presence of females on board.

Mr. STEELE explained the circumstances in relation to the Enterprise, and defended the reputation of Captain Tripp, who commanded that vessel. His remarks were imperfectly heard.

Mr. ADAMS opposed the amendment, as containing a reflection on the character of our navy, and on the entire female sex. In time of war no officer would wish to have his family on board, and in peace the regulations of the navy, and the control of the Department, would always be sufficient to provide for cases that might arise.

Mr. WISE hoped the amendment would be withdrawn, as not pertaining to such a bill as this; but the presence of ladies was one of the greatest encumbrances and inconveniences in the world on board a ship; their accommodations, luxuries, provisions for milk, for music, &c., incommoded the sailors, straitened them for room, and rendered the ship unhealthy. It occasioned, too, false musters. In some instances, eighteen or twenty Italian musicians had been taken on board, and reported as able-bodied seamen. But the prohibition ought to be imbodied in a different bill.

Mr. LOYALL explained. He did ample justice to Captain Tripp's reputation, and protested against any intention to reflect on the female sex. He insisted that the practice he wished to prohibit was a most pernicious evil, and this was the time to prevent it.

Mr. BURD supported the amendment. He adverted to the case of the brave tar, who was not permitted to carry his wife to sea; and why should the officers? The most chivalrous of our officers had been without either wife or children. What business had a lady on board a ship? Or why should the poor sailor be prohibited from the comforts of his commander? He hoped the amendment would be adopted.

The question being put, the amendment of Mr. Loyall was rejected: Ayes 60, noes 106.

The yeas and nays were dispensed with, and Mr. Gillet's amendment, as amended, was agreed to.

Repeated motions for an adjournment failed.

Mr. GILLET renewed his motion, made in committee, to prevent officers temporarily performing the duties of those of a higher grade from being allowed the pay of such higher grade while so engaged.

Mr. JARVIS also renewed his amendment reducing the pay of lieutenants, but it it was rejected without a count.

The question being at length put on the engrossment of the bill,

Mr. **MARDIS** demanded the yeas and nays, and they were ordered; and, being taken, stood as follows:

Yeas—Messrs. John Quincy Adams, John Adams, Heman Allen, Anthony, Ashley, Banks, Barber, Bates, Beale, Binney, Boon, Briggs, Brown, Cambreleng, Campbell, Carmichael, Chambers, Chinn, Clay, Clayton, Coffee, Corwin, Cramer, Crane, Crockett, Darlington, Denny, Evans, Edward Everett, Horace Everett, Ewing, Ferris, Foster, Gamble, Garland, Gholson, Grennell, Hannegan, Harrison, Howell, Huntington, William Jackson, Ebenezer Jackson, William C. Johnson, Richard M. Johnson, Henry Johnson, Seaborn Jones, Kavanagh, King, Lane, Lay, Thomas Lee, Lincoln, Love, Loyall, Lucas, Lyon, Lytle, Manning, Martindale, Marshall, John Y. Mason, McKennan, McKim, McKinley, Mercer, Milligan, Miner, Moore, Morgan, Murphy, Parker, Patton, Dutee J. Pearce, Phillips, Pinckney, Pope, Potts, Reed, Robertson, Schenck, Shinn, Slade, Spangler, Steele, Stoddert, William P. Taylor, Philemon Thomas, Trumbull, Turner, Tweedy, Vanderpoel, Van Houten, Vinton, Ward, Watmough, White, E. Whittlesey, Wilde, Wilson, Wise, Young—102.

Nays--Messrs. John J. Allen, Chilton Allan, William Allen, Barringer, Bean, Beardsley, Beaumont, Blair, Burd, Burns, Bynum, Carr, Casey, Chaney, Samuel Clark, Connor, Amos Davis, Day, Dickinson, Dunlap, Felder, Forester, Fowler, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Gilmer, Gordon, Grayson, Griffin, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hard, Hardin, Joseph M. Harper, Hathaway, Hawkins, Hiester, Inge, Janes, Jarvis, Noadiah Johnson, Benjamin Jones, Kilgore, Kinnard, Lansing, Laporte, Luke Lea, Lewis, Abijah Mann, Joel K. Mann, Mardis, Moses Mason, May, McIntire, McKay, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Osgood, Parks, Patterson, Franklin Pierce, Pierson, Plummer, Polk, Ramsay, Augustine H. Shepperd, Smith, Standefer, Sutherland, William Taylor, Francis Thomas, Thomson, Turrill, Wagener, Wardwell, Webster, Whallon, Williams—85.

So the bill was ordered to be engrossed for a third reading to-morrow; and, thereupon,

The House adjourned.

Wednesday, February 18.

VERMONT RESOLUTIONS.

Mr. **H. EVERETT** presented certain resolutions of the Legislature of Vermont, and moved that they be printed.

Mr. **J. Q. ADAMS** called for the reading of the resolutions. They were read accordingly, as follows:

"State of Vermont:

To the General Assembly, now sitting:

The Committee of Ways and Means, to whom were referred those parts of the Governor's message relating to the finances of the Bank of the United States, having had the same under consideration, respectfully submit the following report:

That suitable protection to domestic industry and enterprise, and the furtherance of internal improvement of a national character, are essential to the defence and independence of the country, the prosperity of its agricultural, manufacturing, and commercial pursuits, and the advancement of its general interest and welfare:

That a national bank, with powers properly limited and restricted, is essential, if not indispensable, as a fiscal agent, as well as necessary to sustain and preserve a sound and uniform currency, and give the requisite facilities to trade, commerce, and manufactures:

That an equitable distribution, among the several States, of the moneys arising from the sale of the public lands, for the purpose of education and internal improvement, comports alike with sound policy and the principles of justice:

That the maintenance of the just powers of each Department of the Government, as confined and defined by the constitution, is essential to the preservation of public liberty and the perpetuity of our free institutions; and that the Executive of the United States, in his late removal of the public moneys from the place of custody established by law, exercised a power not given to him by the constitution or laws, but in derogation of both; and, in his late protest to the Senate of the United States, has asserted doctrines, and claimed for himself powers, at variance with the letter and spirit of the constitution, subversive of the legitimate authority of the other branches of the Government, and dangerous to the liberties of the people.

Your committee, therefore, beg leave to offer the following resolution:

Resolved, (the Governor and Council concurring therein,) That our Senators in Congress be instructed, and our Representatives be requested, by their influence and votes, to sustain the principles and policy herein asserted, and especially to maintain inviolate the authority of the legislative department of the Government, and resist all encroachments upon its constitutional powers.

In General Assembly, *November* 6, 1834.

Read and adopted.

E. D. BARBER, *Clerk.*"

After they were read,

The question was put on the motion to print the resolutions, and fifty-eight only rising in the affirmative,

Mr. **J. Q. ADAMS** called for the yeas and nays on the question; which were ordered.

Mr. **SLADE** said these resolutions were adopted by the Legislature of a State; and, as such, he claimed, as a Representative from that State, that they should be received with so much respect by this body as to be printed. If the sentiments imbodied in the resolutions had been presented in the form of a memorial from individual citizens, they would be entitled to be printed. The resolutions, it was true, contained some things in relation to the bank and the removal of the deposites, which were not of immediate interest; but the subject of the public lands, upon which the Legislature had expressed their views, was of immediate and general interest. A bill was now before this House to reduce and graduate the price of the public lands, and it was expected, at one time, that the subject would be acted on at this session. The question was so plain that it was unnecessary to argue it.

Mr. **CAGE** did not accord, he said, with the principles of the resolutions, but he thought it would be going too far for the House to say that they would not suffer any thing to be printed and submitted to the House and nation, which did not coincide with their views. He hoped that gentlemen who were opposed to the views expressed in the resolutions would withdraw their objections to the printing, as a matter of respect to the State from which they came.

Mr. **TURRILL** said he should always be willing to pay proper respect to the Legislature of a State; but, while he did that, he would also retain some little respect for this body. It was well known that, at the last session, he opposed the printing of the panic memorials which were then poured into the House, and which, he said, by creating a panic, were the cause of much individual ruin and distress. The House then decided that the course of the Executive in removing the deposites was correct; and, one year after this decision, the Legislature of Vermont undertakes to say that the course of the President was wrong, and to censure the conduct of this House. Under such circumstances, he was not disposed to show any favor to this proceeding.

Mr. H. EVERETT was surprised, he said, at the remarks of the gentleman from New York. He would ask, if a State Legislature had not a right to express their dissent from the course taken by this House, or by the Government of the United States? And whether it was proper for the House to refuse to print any resolutions which were not in accordance with their sentiments? The House was not asked to assent to the doctrines of the resolutions, but merely to order them to be printed, as a mark of respect, which was due to whatever came from a sovereign State.

Mr. CLAY said he hoped the opposition to the motion would be withdrawn. Though the paper was not addressed to the House, but to the State representation in this and in the other House, yet it was proper, and it had been the uniform practice, to print such communications. After having heard the resolutions read, he must say that he dissented from every principle contained in them; but he would not refuse to print them on that account.

Mr. BYNUM was sorry, he said, that any opposition had been made to the motion. No member in the House was more opposed than he was to every principle and opinion stated in the paper; but if he was ten times more opposed to them, he would not oppose the motion to print. It was true that, in another body, reports and memorials from State Legislatures had been refused to be printed; but God forbid, he said, that this House should follow the example, and exhibit itself in the same factious light.

Mr. SLADE said, if this was a question on the reception of the paper, the discussion might be more proper. But the resolutions were received and laid on the table, and the question was now on the motion to print. He would beg to know, then, what there was in the terms of the resolutions which would render it improper to print them? Were they expressed in disrespectful language? This would not be pretended. The Legislature of a State had a right to be heard, by memorial or remonstrance, as well as individuals. It must also be recollected that these resolutions were adopted last October, and that this was the first opportunity which the Legislature of Vermont have had to express their opinion in regard to these interesting questions.

Mr. BEARDSLEY said it was because these resolutions were disrespectful to the House, that he was opposed to the motion to print them. He would vote to print any thing coming from a State Legislature, provided it was expressed in proper language. But this paper was a violent denunciation of what had been done by the House, telling us that our judgment was incorrect. He denied, he said, the right of the Legislature of Vermont to pass judgment on us, and call upon us to record that judgment. He then read an extract from the resolutions, declaring that the President, in removing the deposites from the Bank of the United States, had acted in derogation of the constitution. But the House, said Mr. B., had decided that the President did not transcend his legal and constitutional authority. That being the judgment of the House, if they were willing to record resolutions censuring that judgment, they would do it; but he was opposed to the proposition.

Mr. FOSTER would not, he said, have said one word on this subject, but for the expression which had fallen from the honorable gentleman from New York who had just taken his seat. If the gentleman would turn to the journals of the House, and show us the vote approving of the removal of the deposites, he might justify the assertion he had made. The fact was, that the House was called upon, over and over again, to express an opinion on the propriety of removing the deposites, and they always refused to do it. They evaded that question. He was astonished, then, that the gentleman should hazard such an assertion. The Committee of Ways and Means, at the last session, understood too well the temper of this House to propose a direct question on the propriety of the removal of the deposites. Now, for the gentleman to get up and tell the House that the House had seconded the judgment of the President, and approved of the removal of the deposites, was to him astonishing. But suppose, sir, that the House did come to such a conclusion, can we say that a State has not a right to express its dissent from that conclusion? Were we not every day called upon to reverse the judgment of Congress? Fifty times a year State Legislatures came to us disapproving of the judgment of Congress, and calling for its reversal.

Mr. SUTHERLAND inquired whether the Legislature of Vermont had requested the presentation of these resolutions to the House.

The question being answered by reading a part of the paper,

Mr. PATTON said the objection of the House to print this paper might become a precedent, and, in his opinion, it would be a precedent the House ought decidedly to condemn. He appealed to the House to say whether there was a single instance in the history of this country, at least from 1798 down to the present time, in which either House of Congress had refused to receive and treat with due respect the views of any State on questions of public policy. He regarded the opposition now made to a motion to print this paper as one of a most portentous character. It was well known that he dissented from each and all of these resolutions. But how could he say that the Legislature of Vermont should not come here with opinions obligatory on her Senators, and recommendatory to her Representatives, and have those opinions made known to the public, that they might have their moral effect upon both? They had a claim to be treated with respect when they set forth grievances, or complained of any act of Congress. He trusted that this first attempt to obstruct the States in their approach to this body would be promptly and decidedly put down by the House. As to another subject which had been brought into the discussion, he would remark that he did not understand, as the gentleman from Georgia did, that the question referred to by him had ever been distinctly presented to the House, and that the House had evaded it. No proposition, according to his understanding, had been brought forward to enable the House to express their judgment on the subject. But he agreed that it was, in relation to this motion, a matter of no consequence what was the opinion of the House. The question was one which had agitated this whole country, and which, by both parties, was admitted to be one of vital importance; and the Legislature of Vermont had an undoubted right to remonstrate against an interpretation of the constitution which they deemed to be erroneous.

Mr. BURGES had never expected, he said, to see and hear what he had seen and heard to-day. Here, among freemen, he could never have expected to witness an effort to put to silence the voice of a whole State. The principle was one which was advocated during the Revolution by a small portion of the people who were termed loyalists, and was opposed by another and larger portion, who bore a much more glorious name. The principles of the whigs were sustained, and the right of petition and remonstrance was secured by our constitution.

Mr. CROCKETT here moved that the orders of the day be taken up; and the motion was agreed to.

BALTIMORE AND WASHINGTON RAILROAD.

The bill supplementary to the act for the construction of a lateral branch of the Baltimore and Ohio railroad to the city of Washington, was read the third time.

Mr. PARKER entered at length into his objections against the passage of this bill, quoting the acts passed by Congress and the Legislature of Maryland, chiefly on the ground that it gave the company privileges too great and extensive.

Mr. CHINN said the objections of the gentleman were extraordinary; for he understood him, the other day, to object to the bill because the Committee on the District of Columbia had refused to grant the company sufficient privileges; and he now opposed it because the privileges were too large.

Mr. PARKER explained. He wished the benefits of the bill to be extended to every part of the District.

Mr. JACKSON said he thought the course of the honorable gentleman from New Jersey extraordinary, and his proposed amendment very unreasonable. He speaks of the law of Maryland, passed in 1830, authorizing the construction of the Baltimore and Washington railroad to the boundary line between that State and the District of Columbia, and the subsequent law of the United States authorizing its construction within the limits of this District, as a compact; and because the State has, by the law of 1832, given to this company a different charter, making their enterprise more hazardous, by reserving to itself a part of the income of this road, the honoroble gentleman seems to suppose it proper to impose upon them the immense additional expense of continuing this road to Georgetown, when it is perfectly obvious that no corresponding advantage can be realized from this expenditure to the company, or any body else. It is true that the Legislature of Maryland did pass a law authorizing the location of this road within the limits of that State; and Congress another, authorizing its continuance within this District. Neither of these laws partook, in the slightest degree, of the character of a compact. Nor had Congress any right to exact conditions, involving sacrifices to the company, for the benefit of the nation or the District; because neither contributed any thing for the accomplishment of this immense and hazardous enterprise. All that Congress did by the law of 1831, and all that is now asked to be done, is to permit the company to come and confer a benefit, and a very valuable one too, upon both the nation and the District, without any expense or sacrifice to either. These laws only permitted, they did not obligate, the company to construct this road; and when it was ascertained that it could not be accomplished without aid either from the State or the United States, and that neither were disposed to grant it, the project being abandoned, the laws which gave the permission became null and void.

In 1832 a new act of the Legislature of Maryland was passed. Upon the conditions of that law, the Legislature were induced to pledge the State for one third of the money necessary for the construction of the road, but would sanction the subscription by the State for this stock upon no better terms. The company accepted this law upon these terms. This was a compact. The State of Maryland has fulfilled its part of this compact by advancing half a million of dollars, which has already been expended in the prosecution of this enterprise, and the company are rapidly progressing in the completion of their part of this compact, so that we may now expect this great and valuable improvement to be in complete operation in the course of the ensuing summer, provided the company have the permission of Congress to construct the road in accordance with its present location and termination within this District. This question is now fairly and properly before the House, not embarrassed in the slightest degree by any former acts of State or United States legislation. If the nation or the District are to be injured by the passage of this act, it ought not to be passed. If either or both are benefited, it would be folly to refuse the benefit because it is not greater, or because it cannot be equally beneficial to all parts of the District. How is the fact? Passengers now suffer a very uncomfortable detention of six or eight hours between Baltimore and Washington. When this road is completed, this detention will be reduced to two or two and a half hours, in a situation not less easy and pleasant than at their own firesides. Now, three dollars is the lowest fare. The company, by their charter, are prohibited from charging more than two and a half dollars, and there is a strong probability that the fare will be reduced to two dollars, perhaps to one dollar fifty cents. Whether these terms are considered high or low, they are the best the company could offer with safety to themselves, and inasmuch as they are a very great improvement upon any facility which the nation or the District have ever enjoyed, or ever can enjoy without the aid of a railroad, it is wise to encourage the enterprise, at least so far as to accept the benefits it offers. At the same time, it may be well to remember that neither the company nor the State of Maryland are at all dependent upon the action of Congress for the success of their enterprise. Congress may refuse them permission to cross the line of the District with their railroad, and compel them to deliver their passengers over to stage coaches or omnibuses for the remainder of the journey, at an expense of three dollars instead of two and a half, and with the addition of nearly an hour of time occupied. And evil may, and certainly will, be inflicted upon all the passengers, and upon the whole District of Columbia, by such an illiberal course, but it would not produce the loss of a dollar to the company or the State of Maryland. The company is entitled by its charter to two dollars and fifty cents for each passenger, delivered any where within the limits of Washington, and nothing but stage coach competition can compel them to do it for less. Such a competition could never be sustained against the comfortable and rapid movement of the railroad cars, even if the fare were not diminished at all, or the locomotives permitted to approach within three miles of the Capitol. Had Congress, in behalf of the nation and the District, contributed and aided, by its resources, in the accomplishment of this great improvement, as Maryland had done, and as he (Mr. J.) believed it would have been both wise and economical for the United States to have done, the right to have dictated and legislated for the preservation of the interests of the District and the nation might have been secured, as Maryland has done in relation to her interests.

Mr. J. asked the further attention of the House one moment, while he examined the proposition of the honorable gentleman from New Jersey, for compelling this company to extend their road to Georgetown. This proposition evidently rests upon the assumption that the object of constructing this road is to benefit the District of Columbia. From this position he very naturally and very easily steps to another; that is, that this benefit should be equally distributed over the whole District; that the road should be carried to Georgetown; and the gentleman says he would extend it to Alexandria, if he could. Now, it is perfectly obvious that the benefit of this District makes no part of the motive for the great hazard and expenditure of this company. The company make no profession of this kind. Their object is to accommodate travel and transportation. This is the only proper and legitimate object of any road, and wherever this object is made to yield to any other, the interests of the community who are to use it, or the property of the constructors, or both, are to a greater or less extent sacrificed.

The company say, and say truly, that the whole District will be benefited. It is, however, only an incidental contingent benefit arising from this great enterprise, for which the citizens have no just claim, and which the company cannot avoid bestowing upon them if they would, and of course are not under the slightest obligation to increase or equalize. Under such circumstances, can the honorable gentleman deem it reasonable to compel this company to incur the expense of constructing more than two miles of railroad, only to benefit Georgetown and the western part of this city? The average cost of this road is expected to be fifty thousand dollars per mile. Judging from the cost of the right of way over the uncultivated, and much of it uncultivatable, land on which this road has already been graded, and how far it exceeds any sum which can be considered a just measure for the value of land and damages, taking into view the fact that it must cross a street at every square, much of it cutting, some of it deep cutting, and consequently many bridges to construct, and it is obvious that the actual cost to the company cannot reasonably be estimated at less than two hundred thousand dollars. And what is the motive for which all this expense is to be incurred? Perhaps one in twenty, certainly not more than that proportion, of all the passengers between Baltimore and Washington, will come from or go to Georgetown. When it is remembered that the company are forbidden the use of steam within the limits of the city, it is obvious that these Georgetown passengers must be removed with their baggage to the horse car, and be taken to Georgetown by horse power, with almost no difference to them in either comfort, time, or expense, as compared with a conveyance in the coaches constantly passing and repassing between the two cities.

If imposing such an expense upon this company for such an object, and under such circumstances, was not extraordinary and unreasonable, he knew of no proposition in relation to any subject that was so.

One word, said Mr. J., in regard to "taxing passengers" by the State of Maryland, and he would trouble the House no further. Sometimes a measure, in itself perfectly right and proper, is made to assume a very disgusting aspect by the name that is given it, and he perceived the gentleman knew how to avail himself of this facility; he says they are to be taxed fifty cents each. The greatest sum that can be received by the company for passengers is two dollars and fifty cents each, and it may be reduced to one dollar and twenty-five cents. By their compact the company is to pay to the State one fifth of the amount received for passengers, be that more or less. It may be fifty cents each, and cannot be less than twenty-five. It is readily conceded that, if this sum was required of the company without an equivalent, it would be a tax. What are the facts? The estimated cost of this railroad is a million and a half of dollars. Half a million has already been paid by the State to the company for the accomplishment of this enterprise, and the reservation she has made to herself has been thought but a reasonable compensation for the hazard incurred.

Whether it shall prove to be too large or too small, whether the State is to gain or lose by this transaction, time alone can determine. Had the State of Maryland done, in this case, just what the State of New Jersey did in regard to the Camden and Amboy railroad—that is, had it, while affording no assistance either in hand or in prospect, demanded of the company, and compelled them to pay into the State treasury, a very large sum of money, before it would permit them to commence the construction of the road at their own expense and risk exclusively, there would have been a propriety of charging the State of Maryland, as the gentleman from New Jersey has done, with imposing a tax upon passengers; but, in the present instance, there is not a shadow of a reason for it. The State of Maryland may lose much by this transaction. It is possible, too, that it may gain much; but if the latter should prove to be the fact, from whom do they gain it? From the Baltimore and Ohio Railroad Company, and from that company only. If Maryland has exacted too much from this enterprising company for the very valuable aid rendered, and without which the road could not have been completed, and would not have been begun, can the honorable gentleman imagine that a reason why Congress should impose another and much greater burden upon them? The truth is, the interest of the nation and the District requires the facilities which this road must afford; and it is altogether injudicious for Congress to throw any obstruction in the way of its speedy completion. Let the company terminate it where they judge best. Nothing is more certain than that it will be continued to other parts of the city and District, as soon as there shall be a reasonable probability that the benefits of such branches will justify the expense incurred in their construction; and there is no reason in requiring or expecting any of them, until there is such a probability.

The bill was then read the third time, and passed.

NAVY PAY BILL.

The bill to regulate the pay of the officers of the navy of the United States was then taken up.

The bill was read a third time, and the question recurring on its final passage—

Several members rose, but

Mr. CROCKETT obtained the floor, and said: Mr. Speaker, as this bill has consumed no less than three weeks in discussion, and as I had a bill made the order of the day, the day after this bill, viz: the 16th December, and as I see a disposition to speak more on the subject, as speaking has become so fashionable here, I am therefore bound to move the previous question.

Mr. HARDIN hoped his friend from Tennessee would withdraw the motion.

Mr. CROCKETT. I cannot do it, sir.

Mr. JARVIS moved a call of the House.

Ordered: Yeas 125.

The call was proceeded with, and 210 members being found present,

Mr. BOCKEE moved to suspend all further proceedings on the call. Agreed to.

The motion for the previous question was not seconded: Ayes 82, noes 90.

Mr. HARDIN then obtained the floor, and said he wished to submit a few remarks to the House on the bill under consideration, which was one or greater magnitude than was generally supposed. In February, 1834, a select committee of the House had reported a bill to equalize the pay of the officers of the army and navy; the bill was referred back to the select committee, who reported an amendatory bill, which amendatory bill was considered in Committee of the Whole on the state of the Union, on the 26th June, 1834, and not further acted upon at that session of Congress. Mr. H. called upon the Clerk to say if he was not correct in this statement.

[The SPEAKER said that was not material, and was not then a question of order.]

Mr. HARDIN did not desire to be understood as making it a question of order, because, although he had had the honor of a seat in parliamentary bodies for nearly twenty-four years, he never once had the honor of presiding over any deliberative body, either as Speaker, or as deputy Speaker, or as Speaker's Chairman, for he was never accustomed to wait round the Speaker's chair, and of course he was ignorant of all the forms of order. He had only referred to the proceeding on the bill for the purpose of showing the anxiety of the House to get the question, by having ordered an amendment to be engrossed instead of the original bill. He regretted that the subject had been so earnestly pressed upon the consideration of the House.

One argument had been urged in favor of legislating upon this subject, which, in his opinion, was altogether unsustainable. It was remarked that we were out of debt; at peace with all the world; that our finances were in a flourishing condition; and that now was the time to increase the pay of the officers of the navy. In answer to this, he would only remark that we had to legislate for the future; that however we might increase the pay, that increase would remain hereafter for ages to come. In regulating the pay of the army, the navy, and the civil list, we should bear in mind that we ought to regulate it with a view to its permament continuance, not for the sunshine of peace and prosperity, but also with a view to the fiscal embarrassments incident to war; for no nation could expect to go on for more than twenty years without experiencing the vicissitudes of war. He was opposed, generally, to all propositions for the increase of pay for any officers of the Government, and invariably voted against them; because, when a man once got into office, there was a kind of understanding between the officers and the Government that the salary should not be diminished, and he was therefore opposed to an increase of them. He would ask, why was this bill, then, pressed with such earnestness?

Where was the necessity for it? We were told by gentlemen upon the floor of the House, and we heard it in our private rooms, over and over again, from officers of the navy, that those officers could not live upon their present pay. If that were true, Mr. H. was ready to admit an increase should be made; but if it could be proved to be enough, it ought to stand as it was. We should bear in mind that our navy was yet in infancy, and it might be increased, and probably would become twice as large as at present, and that therefore we ought to limit our present expenditure of the army and navy both within what might be considered our capacity and means.

What was the present pay of the navy? The aggregate amount, as certified by the Naval Department, was $770,000, using round numbers. The officers of the navy were but few in number, perhaps not more than from seven hundred to a thousand, including the whole provided in this bill. How many of them were now, in a time of profound peace, when the necessity for the increase of pay had all at once sprung up, employed? He had made some calculation from the report of the Secretary of the Navy, and, with an honorable member from Ohio, had compared the number in commission with those out of commission or on the stocks, and he had ascertained that there were not more than one sixth part employed from year to year, one with another. With the exception of those employed at the navy yards, who, God knows, were well enough provided for, better than any other officers of the Government, there were not more than one fifth employed on the ocean. Where were the residue? Generally at their houses, or taking their pleasure. Now, he would ask, when only about one fourth or one fifth of these officers were employed on the ocean, and the balance at home, where was the imperious necessity for the increase of their pay at this particular time? They now received, as he had said, about $770,000, not including the appropriations under the ordinary bill. Now, what was the increase proposed by this bill? As the bill was reported last February twelvemonth, it increased the pay of the navy $116,000, and the pay of the officers of the army $70,000, in round numbers, for he would not detain the House with fractions. On referring the bill back again to a select committee, they knocked the army off altogether, and reported a substitute for the original bill, increasing the pay of the navy $84,500, making a total increase of $200,500. The bill was then referred to a Committee of the Whole House, where it underwent a variety of modifications, and, before it came to the amendment passed yesterday, Mr. H. sent the bill to the Navy Department, and by that means ascertained that the increase amounted to the sum he had stated, $200,500. After that calculation had been made, one of his colleagues [Mr. Pope] moved an amendment, proposing to increase the pay of passed midshipmen. A gentleman from Maine made a calculation as to how much that amendment would add to the bill, and he made it appear to be $32,000. Mr. H's calculation, founded upon the returns of the Navy Department, brought it to $31,000; and, if these were correct, the whole increase would be $266,000.

The modification of the gentleman from Virginia, [Mr. Wise,] adopted yesterday, in relation to the pay of captains of the navy, diminished that sum about $15,000. There were thirty-seven captains, about two thirds of them had their pay lessened about $500 each, and about one third of them $250 each, making, according to Mr. H's estimate, about $15,000, leaving the actual increase by the bill, as it passed the committee yesterday, $251,000—and all this in a time of profound peace; and, if even our navy should be filled up, he had no doubt the increase would amount to no less than $500,000 a year. He was perfectly confident that he was not inaccurate to the amount of fifty dollars, in any one calculation. If the estimates of the Navy Department were correct, then by the first bill there would be an increase of $116,000, and by the second bill of $84,500 additional.

If the calculations of the Navy Department were not inaccurate, Mr. H. was satisfied that the whole increase would be $251,000. Gentlemen might say this bill was in lieu of all commutation, and that the $770,000 included every thing except the item of mileage, which could not be calculated with any probable certainty. As this bill was an actual increase upon the present pay of the navy, taking it altogether, of about $257,000, better than one fourth, and not quite a fifth, the whole would hereafter amount to about $1,026,000 a year; and when the mileage of ten cents a mile was added, they might fairly estimate that our naval officers, in times of profound peace, would cost the Government $11,000,000 annually. He had made inquiries as to the cost of the whole civil government, including the legislative, executive, and judicial departments, of the several States of Virginia, Pennsylvania, Ohio, Indiana, Illinois, Missouri, Kentucky, Tennessee, Alabama, and North and South Carolina, (eleven States,) and found that the whole machinery of the government of those States put together fell short, by at least $100,000, of what was proposed, in a time of profound peace, for the officers of the navy of the United States. Surely there was something in this. How much was it on the old Jeffersonian plan? That a mere handful of men, in times of profound peace, when not more than one fifth of them were engaged, should cost the Government of the United States $100,000 more than the whole civil Governments together of eleven States of the Union! Surely, surely, we must have fallen on fine days of retrenchment and reform, indeed! In the year 1828, it was promulgated to the world what wondrous things would be done upon the subject of retrenchment and reform! How have these promises been fulfilled? Office after office had been created; emolument after emolument had been added and increased, and now, to sum up all, an increase of pay of officers of the navy to more than a fourth, and little less than a third, was to be made. He called upon those gentlemen associated with him, who were attached to the political party that governed the nation, and who would be held responsible to the country, to look at the reports issued from the House—to look at the circular letters, the speeches published, and those also made on the stump, and they would find themselves held responsible for all this. For twenty years Mr. H. had been contending to bring this Government back to its original expenditure, and he should continue to do so as long as he had the honor of a seat upon that floor. He had not confined his denunciations of these extravagant expenditures to the stump; he had made them in that House, and he should do it again, and upon every opportunity, when the occasion presented itself. The country would hold the party attached to the present administration responsible for their profligacy of the public money.

But we have been told that we have been ungrateful to the navy; in the language of one gentleman, "the right arm of the nation." Let us make a comparison of their pay with that of the army. A lieutenant commanding in the navy got above $1,100 a year; a lieutenant in the army, taking every thing into calculation, got $820, and a second lieutenant $762, &c. Mr. H. here went into a statement of the salaries paid to the officers of different grades in both branches, in order to sustain his proposition that the naval received more in proportion to the number of men he commanded than the military officer. A lieutenant in the navy, he maintained, got as much as a major in the army, and a captain in the navy got higher pay than a brigadier general, besides the former got ten cents a mile for his travelling expenses. If the latter got more than he had stated, he made it up by left-handed charges, by transportation of baggage, quarters, &c.; but this would show that abuses had crept in, and if so, Mr. H., for one, was prepared to go into the correction of them.

[Mr. Wise explained that a lieutenant in the navy acted as a colonel in the army, and a captain as a general, for they were liable to be called upon to command more ships than one.]

Mr. Hardin resumed. In general, a full complement of a first rate ship did not exceed 733 men; in the English ships about 750. The French had taken up a foolish idea; he ought not to say foolish, but they had adopted the policy that the more men the better, and their large ships now usually took up a thousand men. But if you took all vessels in the United States naval service, of different sizes, from a seventy-four down to the smallest, they would not average more, at the outside, than five hundred men each—nay, in general they would not reach four hundred. When a captain went out with his ship, with a complement of four hundred men, he usually took with him a lieutenant to about every seventy men. That was the average Commodore Porter took in his expedition to the Pacific; that was the average of the old Constitution in the last war.

Mr. H. entered further into this statement, to show that a lieutenant and midshipman did not command more men, upon an average, than a first and second lieutenant in the army. Upon the subject of gratitude, also, he would call one fact to the recollection of gentlemen, that, if a man died an officer in the naval service, his widow was pensioned from five years to five years. He knew widows of meritorious officers in the army who were starving. One in his own neighborhood, whose husband, an officer in the army, fought at Raisin, Niagara, and at New Orleans, was now without a cent in the world; and he had brought on a letter from her to General Jackson, stating that she was reduced to want and beggary, and the General promised to do all he could for her. He knew a similar instance of a major in the army, who died at New Orleans, whose widow and children were also reduced to want and beggary. Hence it was that he said the navy got more than the army. He wished to God there was a law providing for the widows of all those who lost their lives in the service of their country. But he would again call the attention of the House to the contrast between the pay of the two services. Mr. H. then read an estimate of the different sums paid to the officers and crews of various ships engaged during the late war.

Mr. H. then referred to the addresses of Commodore Porter, Lord Nelson, &c., to show that prize money was the greatest incentive for sailors to fight well, relating an ancient anecdote to that effect, of a soldier who, having lost his budget, as he called his wealth, on an assault, was the first to mount the breach, and recovered by the plunder of the town more than he had lost. On another occasion, being called on by his commander to do the same, he requested some other man to take his place who had lost his budget, for he possessed one. A gentleman referred to a captain, yesterday, who had been twenty-nine years in the service, but who was not worth $700. Mr. H. said there were some men whom you could not make rich. But he would refer to the numerous captains in this city, living in the finest palaces—no, he must not say palaces—in the most splendid mansions, built by the public money they had obtained. Ask a commander how much he had made, and he would reply, why, in the last war, probably about $100,000. It was said

"Their march is on the mountain wave,
Their home is on the deep."

Their march here was too often from their mansions to the Capitol, and their home was——— He observed several gentlemen in the gallery.

Mr. H. referred to the officers of the army who were then toiling in the West, and who were not represented there by committees, &c.; and complained of the proposal for the army having been rejected by the select committee, and the navy alone taken up and acted on, [Mr. Watmough explained,] contrary to the just expectations of all.

In regard to a lavish expenditure of the public money, the history of the last three hundred years furnished us with one fact, that it was the natural tendency of all Governments to increase their expenses from year to year. Such was the case with the Governments of Europe; and he was afraid the Government of the United States would exhibit the same melancholy picture; that its expenses will be so increased that, at last, they will become too oppressive and onerous for the people to bear; and, according to the language of the other House, reform or revolution must be the end of it. It was the lavish waste of the public money that brought Charles I of England, and Louis XVI of France, to the block, and it is one of the main causes of all the revolutions of empires that have ever happened. Gentlemen say that the navy was a popular branch of the public service. He agreed. But ought that House to legislate for fashionable attachment? He knew there was a continual struggle to get expenditures on the seaboard. He had no wish to impeach the integrity of gentlemen who were so zealous on the subject of fortifications and other works on the seaboard; but they could not help being acted on by their feelings. In the language of Sir Robert Walpole, prime minister of England, he said they came up, year after year, to be shorn like sheep. We, said Mr. H., come from the interior every year to be shorn for your fortifications on the seaboard; but I, for one, am not exactly like the sheep; for although I might be willing to be shorn, I will make a noise about it. Mr. H. concluded by saying that he had a great many more observations which he wished to have offered on the present occasion, but he was unwilling to intrude too far upon the indulgence afforded to him by the House, for which he offered his acknowledgments; and he should probably take some other opportunity of giving his sentiments more at length to the public.

Mr. WISE said: Mr. Speaker, I have already expressed my views on the merits of this bill, and have now only to make a few observations in reply to what I consider, with perfect respect to the gentleman, the *ad captandum* remarks of the honorable member from Kentucky, [Mr. Hardin.] One would be led to suppose, sir, that the gentleman, from his uniform and earnest opposition to all money bills, was fighting at his late period of life for the fame of an economist and reformer. When the Alexandria canal bill was up, there was the gentleman from Kentucky; when Hull's claim was before us, there was the gentleman from Kentucky; when Meade's claim was presented, there was the gentleman from Kentucky; and now that the navy bill is on its passage, there is still the gentleman from Kentucky. Such indiscriminate opposition to every description of claim we might suppose to proceed more from habit than from calculation. But, sir, when the Louisville and Portland canal bill came up, *there* was *not* the gentleman from Kentucky. And at the very moment the gentleman was so manfully opposing this reasonable increase of navy pay, we found him entertaining us with the most delightful eloquence upon the sufferings and services of the army, and perfectly content with the army pay; when on a former occasion I have shown, and now assert, that the pay of the army is more than double that of the navy. The army, sir, is to the gentleman what the Louisville canal is; it is stationed in part in the West, and clears the path of the settlers on the frontiers. It is not regarded with the same contracted view as the navy is regarded by some, as solely for the seaboard, and, therefore, its services and its pay are fully appreciated by the gentleman. Why does the gentleman not bleat a little when wool is plastered on him as well as when it is shorn off? The gentleman, sir, is no more shorn, nor is the West, by increasing the pay of the navy than by increasing the pay of the army. If there is one branch of the public service in which the whole country is more equally interested than in another, it is that of the navy.

Sir, I have watched the course of the gentleman from Kentucky in no little or mean spirit, but to see what weight should be attached to his opposition to measures like this, and what impression it should make. And I must say, sir, that I have never caught him opposing measures of appropriation for his own part of the country. Another consideration which detracts from the weight of his opposition in this instance is, that, like the old experienced lawyer, he forgot himself, and thought he was talking to a jury of ignorant men. He made a one-sided argument, and must have forgot himself, when he expected to drive the friends of this bill who are friendly to the administration from its support, by appealing to them to guard the administration from his own censure for extravagant expenditures of the public money. True, sir, that all expenditures, except for themselves, are denounced by some gentlemen; and the gentleman himself acknowledges that he will abuse the administration for appropriations which are passed by opposition votes; but I put it to the House if this bill is not sustained by gentlemen of all parties, and if it is fair to treat this bill as a party measure in any sense? It is a mere question of dollars and cents, of adequacy or inadequacy of the compensation of public officers who have less to do with party politics, and are less affected by its corruption, than any others in our service.

[Here Mr. Hardin interposed and explained.]

True, sir, the gentleman held the conversation with me referred to by him, but he said not a word on this floor against that bill. Whenever there is "a budget" for his own region of country, none fights harder than the gentleman; but when, like the hero of his anecdote, any other budget is to be fought for, no entreaty, or appeal of patriotism or justice, it seems, can enlist his services for the campaign, or even prevent or pacify his opposition.

I hope, sir, the House will take a liberal and enlarged view, and reflect that all are equally interested in this bill. I will conclude by answering the remarks of the gentleman as to the great wealth and the "splendid palaces" of the officers of our navy. I assert, without the fear of contradiction, that not a single officer has laid up a competency from his pay. And it cannot be supposed that all are spendthrifts. If any are rich, they have derived their wealth, in every case, from inheritance or marriage. I doubt whether any have provided a dollar from their present pay. It is wholly inadequate for a gentleman in a service the honor and respectability of which require liberal and expensive living and outfits. The navy is the last service, above all others, in which to acquire fortunes, with the most liberal emoluments. The navy pension fund is not created out of the treasury. If the army chooses, it can provide from its own pay or plunder a similar pittance for its widows and orphans; or the Government can so provide for it, if its pay is not already rich enough to leave more than pittances for those it leaves behind. Nor does prize money come from the pockets of the people. It is wrested from your foes, and, in the language of a lieutenant whose letter I have once read, "it is hardly fought for and dearly won." It is true, sir, that we have paid: admit it, as the gentleman says, we have paid some $1,200,000 for vessels and property destroyed by our gallant navy; but how much has the one half of inferior prizes brought into your treasury, and how many millions of your enemies' property and shipping have been destroyed by your navy without one cent of compensation? And if a Decatur and his crews, who are dead and gone, have been paid hundreds of thousands for their exploits, what is that to your officers who are now starving on poor pay? A gratuity is one thing, pay is another. The one depends on your bounty and liberality, the other on your justice and sound policy. When the one has been given, we should never more hear of it; when the other is to be fixed and established by law, it should be permanent, and on a just scale, proportioned to service and responsibility. But, sir, this bill has been sufficiently discussed.

Mr. LYTLE said: Mr. Speaker, Before this bill goes to a vote on its final passage, I feel constrained to say that I must differ with some of my colleagues with whom I have generally acted, and perhaps with a majority of the delegation from the West. The objections just made to it by the honorable gentleman from Kentucky, [Mr. Hardin,] furnish an additional inducement for me briefly to make some explanations of my views at this time upon the bill before you.

I know well, sir, that, whenever that gentleman chooses to devote the powerful, active energies of his mind to the investigation of any subject, he can always present that subject in a clear and plausible, if not a conclusive, manner before this body. The only objection I have to his style and manner of effecting his object is, that his long and successful practice at the bar has had a tendency to make him forget that he is not here in full practice before a jury; and that, having taken sides, he makes his argument, in correspondence with his professional habits, altogether a one-sided one. He has omitted nothing in the presentment of his views, from the organization of the navy to the present time, which was calculated to prejudice the passage of the bill. But I did hope, sir, that, when he undertook to naval and army expenditures, his sense of justice would enlighten the House by a comparison between the have kept pace with his zealous spirit of inquiry, and that he would have made the contrast perfect. But, alas, sir, it was followed out on the one side by facts in opposition to the navy, and on the other by assertions in relation to the pay, the duties, and expenses, of the army, in reference to which my honorable friend from Virginia, [Mr. WISE,] who, by the way, has given to the subject, with a view to this very matter, great attention, entertains a wide and total difference of opinion, both as to facts and conclusions.

But, sir, said Mr. L., I object to such comparisons—they are altogether erroneous. They are calculated to create invidious feelings between the members of those two branches of the service; to awaken jealousies, and produce embarrassments which should never exist amongst members of the same family. Sir, the cause is a common cause. Both are contending for the same great interests, and both should be well paid. If the army is indifferently provided for, let us know it, and apply there also the needful remedy; but as we are now regulating merely the pay of the naval officers, why start objections which may result in envy and the generation of bad blood between the members of these two classes of our public service. It is a just tribute to the officers of the army to say that, in reference to this bill, I have heard but one expression in relation to it; all have hoped for and encouraged its passage with a spirit of magnanimity and chivalry; they have always told me it was right, and wished it success. Sir, they are sworn brethren in arms, fighting under the same banner, and governed by the same interests and feelings. Let not discord come among them, by any act of ours calculated to awaken causeless jealousies, where all is now harmonious and friendly. The matter, Mr. Speaker, is reduced to this point: it is too late in the session essentially to change the features of this bill;immediate action is required, and we must either take this as we find it, or leave the navy in a weak and deplorable condition. I am free to say, sir, if you are not disposed to make it respectable and sound, abolish it at once; burn down your fleets, and block up your harbors; destroy your fortifications; act on the defensive altogether, at the expense of not only the trade and commerce of the country, but so much of its liberty as may be considered dependent on a naval armament—on the marine power of the Government. If, however, it is the desire of the House to place our navy on a rank and power that shall correspond with any and all others that she may come in contact with; that our "stars and stripes" may float proudly and triumphantly wherever a breeze may waft or a wave may bear it; that the products of our rich and happy country may be safely carried into every port where any other ship may ride; that the seamen in our service may be enabled by their pay to exhibit, in their intercourse with those they meet, the aspiring, generous, and proud character of the Government they represent. Pass this bill, and furnish the means by which it shall be done. Already, upon the most slender means and diminished resources, have they sustained the national honor and the national character, at the expense of personal comfort and independence. If you are to have a navy at all, then, let it be such a one as you will not be ashamed of. By your pay bill, show that you do not mean that men shall fight your battles, protect your exiled citizens, cultivate by reciprocal hospitalities with foreign Powers that most desirable feeling of amity and respect which it is so eminently our duty and policy as a nation to maintain, without the indispensable patronage of the Government they belong to. Sir, this is nothing more than naked justice, and, so far myself from being horror-stricken at the provisions of this bill, I would be glad to have it improved by the amendments proposed by the gentleman from Georgia, [Mr. JONES,] some time back, in reference to the additional grades in the service, thereby perfecting the navy of our Union, and making it, in all respects, equal with all others. Sir, these opinions may surprise some of my friends with whom I have acted, but they are the same that I have always cherished, and hold myself ready to defend—but not on the grounds assumed by my honorable friend from Kentucky, [Mr. HARDIN.] He christens it a party measure, and holds, after an eloquent description of the reform and retrenchment measures promised by this administration, that he will hold as responsible for this most extravagant proposition, the administration and its friends. Sir, how is this? when, in the same breath, he tells us that one third of the administration party is opposed to the bill, and that the two thirds are made up by the opposition members of the House? The two averments are admirably reconciled to each other. Sir, so far as I have seen or heard any thing in this discussion, it is totally exempt from all spirit of party. I go for the improvement of this great arm of the national Government, upon principles of national policy and right. Party feeling and party interest never entered into my brain. When reflecting or acting on it, party feeeling is dead, as it should be, in reference to it, except so far as it may concern the common interest of our common country.

The gentleman from Kentucky did not seem to expect support from the Western country for this bill. Sir, I admit with him that an opposition might justly and fairly have been anticipated from our quarter. The close, and partial, and exclusive policy of those on the seaboard to our Western interests, was well calculated to make us return the compliment on this and on all other such occasions. But I have ever regarded the navy of our country as a subject of the deepest and most thrilling national interest. I have sunk, and have always been willing to sink, my feeling of local or sectional interest, in a question that involved the common welfare, glory, and perpetuity of the country. Born and nurtured in the back woods; a Buckeye in feeling and thought, in education, habits, and action, I trust, as a Representative on this floor, I shall never forget the obligations thus imposed upon me by that station of common, national, indivisible interest. Thus, sir, I regard the bill which proposes to protect and sustain the navy of our Union. I have never seen the ocean, never inhaled a breeze from the salt water. I have never but once trod the deck of a man-of-war, and have yet to see a ship of the first class under sail. But I hope and believe, sir, if I know myself, that there is that within me, which, if I were on the extremest boundary of our Western frontiers, would never, never make me forget that I was an American citizen—would never subdue the feelings of proud exultation which I still remember of having felt in early boyhood, when hearing of the result of our well-fought battles of our gallant tars upon the high seas—nor make me pause upon a proposition to amend the unjust policy of the Government towards them; for the gallantry they have displayed, the privations they are still enduring, and the demands which they now have, and are entitled to make, on the justice of their country. Again, sir, we are told of the pensions already received by the widows of deceased naval officers; and my friend before me has instanced one in his own neighborhood. I am glad it is so, and that she is comfortable, and I wish to God that I could say as much of the widows of the living officers of our navy. I know one, sir, whose residence is not out of sight of the Capitol, who may now indeed be within the sound of my voice, whose gallant husband is on a two or three years' cruise in the Pacific, and whose salary amounts to the miserable pittance of $1,100; the one half of which he has divided with a lovely and growing family, consisting of his wife and some five or six children; and out of this sum he must interchange civilities, as commandant of the station, with the officers of all other Governments he may happen to find there.

Sir, if you mean to have a navy that will answer the just purposes and expectations of the Government, you must expect to pay for it; but yet we are furnished with the history of the enormous sums paid to different crews, or received by them in the shape of prize money. Well, sir, it is earned only in time of war, and well earned then, Mr. Speaker—earned as much for the country as for the sailor who enjoys it; for it is a reciprocal benefit to the country, and whoever the country may employ to take it. By crippling the resources of the enemy, you add to the country's strength, no matter into whose pockets the plunder goes, or if one farthing should never reach the coffers of your treasury. But my worthy friend has had his sensibilities excited, also, by the appearance of navy officers in the city, and has told you that, instead of their "march" being "on the mountain wave, and their home upon the deep," their "march is now from the tavern to the Capitol, and their home in our gallery." He seems offended at the appointment of a committee to come on here to explain to the members of this House and its committee, matters which could never have been furnished elsewhere. Why, sir, is there any thing unjust or presumptuous in this? Their every thing is at stake; the rules and principles by which they are to be governed, perhaps for the balance of their lives; their whole future destiny dependent on the decision of the House this day, sir, upon the fate of this bill, and they debarred the common privileges of American freemen, of expressing their opinions, or giving their advice, when it is really indispensable to correct action, and denied a seat in the gallery, to ascertain the result!

I am unable to perceive or appreciate the enormity of this offence. The officers of the army do, also, come here, and they have the right to come; and I think the honorable gentlemen will find two army to one naval officer at this time in the city; and so great was this grievance, as complained of by the Secretary of War, from the too frequent visitations of his troops here last winter, that he had to issue a proclamation to keep them off during the session of Congress, as every gentleman here must remember. The order was revoked, and with at least as much propriety as it was made; but we all know the fact.

The officers of the navy, then, have done no more than other people; they have looked a little after their own interests; they found them in jeopardy, and came, for the last time, to their rescue. Sir, I deny that the navy is the "spoiled child of the Government." She is the abused, neglected, cast off member of the family. It is time her injuries should be redressed, her services rewarded; no better time could have happened than the present. Even the vote upon the present bill, sir, may be regarded as big with the fate of the dearest interests of the country. Sir, it may, it will, have an important bearing, as it should, upon our foreign relations: it will show that the people are awakened to a sense of the difficulties that are approaching, and to a correct appreciation of the same. No man can look at the papers from the East this morning, and not be satisfied that a war cloud is now lowering upon us; it is plainly visible, sir, at least in the horizon; if I mistake not, it will soon be upon us, and if I had, or could have, my way, so far from being staggered by the provisions of this bill, I would add the full amount claimed by this Government from the French as an extra appropriation for repairing the navy, and completing the fortifications of the country, and, by hard knocks, make the French pay the whole expense for the trouble of collecting our just debts in that way.

It will come to that at last; and when we send off our gallant seamen to undertake the work, let those who are now anxiously watching the results of our deliberations, start with light hearts and fuller pockets, leaving a better prospect of comforts and happiness behind them, and entering with increased ardor and renewed spirit into the service of a country liberal enough to reward and honor them; at least, sir, the bill shall have my hearty and most ardent support.

Mr. **CHILTON** now put an end to the debate, by moving the previous question.

The **CHAIR** inquired whether the motion was seconded.

Mr. **HARD** moved a call of the House.

On this motion Mr. **HARDIN** demanded the yeas and nays; which were ordered, and resulted as follows: Yeas 101, nays 103.

So the House determined against the call.

The **SPEAKER** now again inquired whether there was a second to the previous question.

On which question the ayes were 116, the noes 24.

So the call for the previous question was seconded.

The previous question was thereupon put and carried; and the question being on the passage of the bill,

Mr. **CHILTON** demanded the yeas and nays; which were ordered, and, being taken, stood as follows.

Yeas—Messrs. John Quincy Adams, Heman Allen, Anthony, Archer, Ashley, Banks, Barber, Barnitz, Bates, Baylies, Beale, Bell, Binney, Boon, Briggs, Brown, Bull, Burd, Burges, Cage, Cambreleng, Campbell, Carmichael, Chambers, William Clark, Clay, Clayton, Coffee, Cramer, Crane, Crockett, Darlington, Deberry, Denny, Dickson, Evans, Edward Everett, Horace Everett, Ewing, Ferris, Fillmore, Foster, Fulton, Gamble, Garland, Gholson, Gorham, Grennell, Hannegan, Hazeltine, Heath, Henderson, Howell, Huntington, W. Jackson, Ebenezer Jackson, Wm. C. Johnson, R. M. Johnson, Henry Johnson, S. Jones, Kavanagh, King, Lane, Lay, Lincoln, Love, Loyall, Lucas, Lytle, Manning, Martindale, Marshall, John Y. Mason, McComas, McKim, McKinley, Mercer, Milligan, Miner, Moore, Morgan, Murphy, Parker, Patton, Dutee J. Pearce, Phillips, Pickens, Pinckney, Pope, Potts, Reed, Rencher, W. B. Shepard, Slade, Sloane, Spangler, Steele, Stoddert, W. P. Taylor, Philemon Thomas, Trumbull, Turner, Tweedy, Vance, Vanderpoel, Van Houten Vinton, Ward, Watmough, White, Frederick Whittlesey, E. Whittlesey, Wilde, Wilson, Wise, Young—117.

Nays—Messrs. John J. Allen, Chilton Allan, William Allen, Barringer, Bean, Beardsley, Beaty, Beaumont, Bockee, Bunch, Bynum, Carr, Casey, Chaney, Chilton, Chinn, Claiborne, Samuel Clark, Clowney, Connor, Coulter, Day, Dickerson Dunlap, Forester, Fowler, Philo C. Fuller, W. K. Fuller, Galbraith, Gillet, Gilmer, Gordon, Graham, Grayson, Griffin, J. Hall, T. H. Hall, Halsey, Hamer, Hard, Hardin, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Hiester, Hubbard, Inge, Janes, Jarvis, Noadiah Johnson, Cave Johnson, B. Jones, Kilgore, Kinnard, Lansing, Laporte, Luke Lea, T. Lee, Lewis, Lyon, A. Mann, Joel K. Mann, Mardis, Moses Mason, May, McIntire, McKay, McLene, McVean, Miller, Henry Mitchell, R. Mitchell, Muhlenberg, Osgood, Page, Parks, Patterson, F. Pierce, Pierson, Plummer, Polk, Ramsay, Reynolds, Robertson, Schenck, Augustine H. Shepperd, Shinn, Smith, Standefer, Sutherland, William Taylor, Francis Thomas, Thomson, Turrill, Wagener, Wardwell, Webster, Whallon, Williams—102.

So the bill was passed, and sent to the Senate for concurrence.

DEPOSITE BANKS.

The House then took up the unfinished business, and resumed the consideration of the motion to reconsider the vote adopting Mr. Binney's amendment to the deposite bank bill.

Mr. POLK commenced to speak in support of the reconsideration, and very shortly yielded the floor to

Mr. BINNEY, who explained, at the request of Mr. Polk, what he understood as the sense of his amendment, viz: that, in reckoning the proportion of one fifth of the circulation and deposites, public and private, which the deposite banks are required, by his amendment, at all times to retain in their vaults, the notes of specie-paying banks were not to be included.

Mr. POLK then resumed; but, after a few minutes, yielded to a motion made by Mr. MANN, of New York, for an adjournment; which motion prevailing,

The House adjourned.

Thursday, February 19.

THE MILITARY ACADEMY.

Mr. HAWES, from the select committee on the West Point Academy, reported a bill to modify the system of military instruction at West Point, and for prescribing the qualifications of applicants for official appointments in the army of the United States.

[The first section of this bill proposes to repeal all acts now in force authorizing the enlistment or appointment of cadets in the Military Academy of the United States at West Point, and that all such cadets now in service shall be disbanded and dismissed from and after the 30th of June next.

The second section proposes to provide that the Secretary of War, under the direction of the President of the United States, shall, as soon as may be after the 30th of June next, organize "a military school of application and practice at West Point, for the improvement of the officers of the army of the United States in the application and practice, for military purposes, of the several branches of elementary and theoretic sciences involved in the art of war;" an officer to be appointed as superintendent, possessing competent theoretical and practical qualification, &c.

The third section provides that, for the purposes of the practical instruction contemplated by the second section of this bill, the officers of the army of the United States shall repair to West Point in rotation, and remain there, &c., all under such rules as may be prescribed by the Executive.

The fourth section provides the salary of the superintendent, ($2,500,) and of instructors of the first grade, ($1,700,) and of the second grade, ($1,200,) if a second grade be deemed advisable.

The fifth gives charge of the school, and property of the United States connected therewith, to the superintendent.

The sixth section requires report to Congress at the next session, and annually thereafter, of all proceedings under this act.

The seventh section requires examination of all persons who are applicants for appointments in the army, and requires that, when found qualified under the rules and regulations prescribed, they shall enter upon a course of instruction at West Point, &c.

The eighth section provides for filling vacancies thereafter occurring in the corps of engineers from those who shall have passed through a course of instruction as above prescribed.

The ninth section subjects the superintendent, &c., to removal, without, however, subjecting him thereby to loss of rank or command to which his commission in the army would entitle him.]

The bill having been read the first time,

Mr. HAWES moved that the bill be read a second time by its title, and committed to the Committee of the Whole on the state of the Union; and that the bill and accompanying report be printed.

Mr. DICKERSON called for the reading of the bill *in extenso*.

The bill having been read,

Mr. DICKERSON said he considered it his duty, at this stage of the bill, to attempt to arrest its further progress; to object to its second reading, and to the printing of the report, and also to object to the reception of the bill and report as the report of the committee. As to the duty and privileges of committees, so far as he was conversant with them, he understood that it was the privilege of any member of the committee to be present at the meetings of the committee, and to give his views in regard to the subject-matter of their consideration. If he was correct in this supposition, he apprehended that any report made without this opportunity for discussion of the subject, by any member of the committee, could not be considered as the report of the committee.

[Mr. Hawes wished to ask the gentleman, he said, whether he intended to insinuate that any meeting of the committee was held, at which every member of the committee had not notice to attend.]

Mr. Dickerson resumed. He would answer the gentleman's question, and, at the same time, he would state that his situation in regard to the committee was of the most friendly character. He had stated, as a general proposition, that it was the privilege of every member of a committee to be summoned to attend its meetings, and, if this opportunity of attendance was not afforded to each member, then the committee was not competent to make a report. He did not contend that every member of a committee must be present, but that all must have an opportunity to be present, and to consult and advise together on the subject before them. If the majority of a committee met and deprived the minority of the right of consultation and discussion, then the report of the majority could not be received as the report of the committee. It was not necessary to a report that all should concur in the report, but that all should have an opportunity to consult in regard to it. In order to make the application of this principle of parliamentary law, he would now state the facts in regard to this report. In doing this, he hoped it would not be supposed that he was influenced by any personal considerations, but by the consideration that the question was of a momentous character, and that its decision would be affected by the supposition that this report came in the regular way from a committee of the House. This committee was organized early in the session, and soon after the members of it were regularly summoned to attend a meeting. A sub-committee of five was, at the first meeting, appointed to investigate certain facts, with the examination of which the committee was charged. His impression was, at the time, that it was made the duty of the sub-committee to investigate and report to the committee facts, and not opinions; and this for the reason that an investigation would be more easily made by a small number than by a large one. The circumstance which satisfied him of the correctness of this impression was that, in the resolution appointing the sub-committee, it was first proposed to authorize them to report "facts and opinions," but, at his own motion, the word "opinions" was stricken out. The sub-committee were not authorized, as he understood it, to report in full upon the subject. About ten or twelve days ago the committee were summoned to a meeting, at which nineteen of the twenty-four were in attendance. He expected there to receive from the sub-committee a report of facts; but, instead of that, the sub-committee made a report in full on the subject, the reading of which occupied two hours. This occupied the time of the committee till a late hour, when a motion was made to adopt the report.

Mr. GAMBLE rose to a point of order. He asked whether it was in order to arraign the proceedings of a committee?

The **CHAIR** stated that it was in order, in opposing the motion to commit and print the bill and report, to show that the report was made irregularly, and that he understood to be the object of the gentleman from New Jersey.

Mr. MERCER rose, he said, to suggest to the gentleman from New Jersey that, if there had been any irregularity in the manner of making the report, his proper course was to move to recommit it.

Mr. DICKERSON continued. He did not, he said, arraign the motives of the committee. But, as this report and bill proposed to do away with the Military Academy as it now existed, they would, he thought, do great injury if they were suffered to go to the world as a report of the committee of the House. He felt it to be a duty which he owed to the community, to arrest the proceedings.

Mr. BRIGGS here called for the reading of the resolution under which the committee was appointed, and it was read, as follows:

"*Resolved*, That a select committee, consisting of one member from each State, be appointed, with power to inquire into the expediency of amending the laws relating to the Military Academy at West Point, in the State of New York, or whether it would not comport with the public interests to abolish said institution."

Mr. DICKERSON continued. The vote on the adoption of the report of the sub-committee as the report of the whole committee was taken after the reading of the report, which occupied two hours. The minority had no opportunity to discuss it, and advise in respect to it; and, therefore, he insisted that it was placed on the same grounds as if a portion of the committee only had been summoned to attend the meeting. To place before the country, as a report from the committee of the House, a proposition to abolish an institution so important as this was, he considered highly improper. He therefore moved to recommit the bill and report to the committee from which they were reported.

Mr. HAWES rose and remarked that this, to his mind, was a very singular proceeding, and, after the explanations he should give, he believed it would appear so to the House. It appeared singular that this Military Academy was thought to be of so sacred a character that a committee of twenty-four members, appointed by order of the House, were not at liberty to make a report upon it. Was not, he asked, this institution under the control of the national Government? If so, what was the objection to the report? But the gentleman had the boldness to contend that this able report, coming from a committee of the House—he had had no hand in drawing the report—should not be suffered to go before the people of the United States. The committee of twenty-four, upon the Academy at West Point, was appointed early in the session, under a resolution submitted by himself. A few days after, he summoned the committee to meet at a certain place and time, and he had no doubt that each member received the summons. A majority of the committee met, and took the subject into consideration. They passed a resolution appointing a sub-committee of five members, whose duty it was made to collect the facts and report to the committee on the subject.

The sub-committee could not bring the facts before the committee without the necessary explanations to render them intelligible. After pursuing the investigation laboriously and diligently, they at length were ready to report. He then summoned the committee to attend at the Capitol at 11 o'clock, and he appealed to each member of it to say whether he did not receive a notice. The committee met, but, for want of time, they did not conclude their business, and they were again summoned to meet in the evening, at his room, at Brown's hotel. Every member of the committee had also notice of this meeting. The report was then read. A motion was made to read the bill, but it was waived in consequence of the suggestion that the concluding part of the report stated the substance of the bill. A proposition was then made, by the gentleman from Alabama, that the report of the sub-committee should be adopted as the report of the committee, and submitted to the House. Some discussion followed, in which almost every member present made speeches, except the chairman. After the discussion, the question was taken on the motion, and it was agreed to by a vote of ten to eight; one member having left the room. The proposition, adopting the report as the report of the committee, was then adopted.

Every member of the committee was summoned to be present, and the chairman had no authority to enforce their attendance. Nineteen members met, one of whom having retired, the report was adopted, and ordered to be submitted to the House, by a vote of 10 to 8. It was then proposed that the minority should be allowed time to prepare a counter report, and, accordingly, another day was appointed for the submission of the report to the House. Mr. Hawes had, he said, acted in the whole transaction, under the authority of the committee. He went on to state that the minority of the committee applied to him, as chairman of the committee, to furnish them with the report and documents, to enable them to review the argument. His answer was, that he would furnish them with all the documents on which the report was founded, but not with the report itself.

Several members here addressed the Chair, but Mr. POLK moved that the House proceed to the consideration of the orders of the day; which was agreed to.

DEPOSITE BANKS.

The House resumed the consideration of the bill to regulate the public deposites of the United States in certain local banks; the question being on the motion to reconsider the vote of the House adopting the following amendment moved by Mr. Binney:

Strike from the fourth section of the bill, as reported from the Committee of Ways and Means, the following clause:

"2dly. To keep in its vaults, or the vaults of other banks, an amount of specie equal to one fourth the amount of its notes and bills in circulation, and the balance of its accounts with other banks, payable on demand."

And insert in lieu thereof the following:

"To keep in its vaults an amount of specie, which, together with the balance of all its accounts with specie-paying banks, shall be equal to one fifth of the amount of its notes and bills in circulation, and its public and private deposites."

At the end of the fourth article of the second section, insert two additional articles, as follows:

"5thly. To do and perform the duty of pension agent without any allowance or compensation, except for the actual cost of books and stationary.

"6thly. To pay interest, quarterly, into the treasury, at the rate of ten per cent. per annum, on the average balance of the public moneys on deposite, over and above a sum which shall be equal to five per centum of its capital actually paid in; provided that no interest be payable when the said average quarterly balance does not exceed fifty thousand dollars."

Mr. POLK, who was entitled to the floor, proceeded to say that, under existing circumstances, he should confine what he had to say within as brief a space as possible, and proceed to show the inexpediency of adopting the amendment in question. He remarked that he had the other day demonstrated, to some extent, that if the construction of the gentleman from Pennsylvania [Mr. Binney] were to be placed upon the amendment, it would utterly destroy and break up the whole system of employing local banks as fiscal agents of the Government in every part of the country, except in the larger cities. In the cities, the banks were enabled to make daily settlements, and strike daily balances; but the country banks had no such opportunity. He would put a strong case. The Choctaw lands were in market, and the deposite bank at Natchez had necessarily, at occasional times, a large amount of the public money, and the receivers being compelled to receive, not specie but notes of the Bank of the United States, how would the deposite bank be able to answer the call required by the above amendment? In September, last year, the amount of public deposites in that bank was a half million or more; and in January of the present year it was nearly $900,000. Some of this was in notes payable in Philadelphia, some in Boston, New York, and other cities, and of all the branches perhaps in the Union, for it was required to receive them; and what did the amendment propose? Why, that they should not count any thing as specie that was not metallic. It would be compelled instantly to transmit to Boston, Savannah, New York, and other places, the notes payable there; and receive their balances back at Natchez. This would take months in transmitting, besides running a great risk in the double transportation. Nor was this all; during the time the deposite bank was lying out of all this money, she must procure specie, at whatever cost, so as to keep up the requisite proportion, although the deposites were made in notes of the Bank of the United States. In other words, you would be requiring the deposite bank to receive the paper of the Bank of the United States, and not specie; while, at the same time, you would require that bank to answer for the same notes in specie, losing the interest upon and use of the money, by the time consumed in procuring the balances and returns from the Bank of the United States. He affirmed, that at no period since the Bank of the United States came into operation, could the bank, or any one of its branches, have stood up under such a restriction as that proposed by the gentleman from Pennsylvania; nor was a provision of such a character ever required before.

He had procured the several official returns of the branches of the Bank of the United States, which all showed that they could not have existed under such a restriction. Take one, the branch at Mobile. On the 1st of April, 1833, before the public deposites were removed from the Bank of the United States, it had, of public and private deposites, notes in circulation, &c., over and above what was owing to the bank, $2,631,000. Now, according to the amendment proposed, this branch bank should have had $526,200, being one fifth: so far from it, that it had only $136,000 in specie and the notes of specie-paying banks. The branch bank at Natchez, at the same period, had, of public and private deposites and notes in circulation, $1,531,000; while of specie, and notes of specie-paying banks, it had only $76,000 to meet these liabilities—about a twentieth, instead of a fifth. The result of carrying out the principle of the gentleman from Pennsylvania would be destructive of the whole system of local depositories. Mr. P. would call upon all those gentlemen who desired this system to be carried out, to examine this point thoroughly, and they would see that, if this amendment was adopted, it would be impracticable, and would tend to drive them out of the public service, and throw the public treasury into the hands of receivers, or to compel the re-establishment of a national bank; a contingency which would inevitably follow. The provision was altogether a novel one, and had never been imposed upon the Bank of the United States or its branches. It added no greater security for the public moneys; it was no additional guarantee; and the provisions of the bill offered sufficient security. Mr. P. here referred to several of them, such as the limited powers with which the Secretary of the Treasury was clothed, &c.

There was another view of the matter. The Bank of the United States was not compelled to take the notes of every other bank unless she chose to do so, while the deposite bank was compelled to take hers, and to keep a proportionate amount of specie for it also. By the amendment, they would be compelled to increase their specie, as money might be paid in, and to hold it from circulation, however necessary it might be.

Mr. P. said, without intending any disrespect to the honorable member from Pennsylvania, [Mr. Binney,] and without supposing any such intention could have been entertained by that gentleman, yet the conviction forced itself upon Mr. P's mind that the source of the amendment had been prepared by that portion of the intelligent men in this country who were most desirous, he would not say from improper motives, for the establishment of a national bank. The effect of all the amendments, if finally adopted by the House, would be to embarrass those new fiscal agents of the Government, and to bring them, at least, into disrepute. No plan could have been devised more effectually than these amendments. Why should these deposite banks be required to do what had never been done by the Bank of the United States or by any other bank? He alluded now particularly to the requisition that a monthly publication of the affairs of each deposite bank throughout the country should be made in three newspapers in the city of Washington, so that their condition might be exposed to the Bank of the United States and to other banks, whilst the condition of the Bank of the United States and all the other banks would be concealed. By doing this the Bank of the United States would be enabled to select its victim, and, by means of its extensive exchanges and in other ways, concentrate its immense power to crush one of those fiscal agents, and thus, by producing a temporary interruption to business, embarrass the whole country. We were at no loss to know what would be the effect of public clamor. The experience of the past year, especially from the temporary suspension of two or three banks in this District, proved what might be done. Mr. P. had no doubt there were those who would have rejoiced to see every institution of the kind in the country stop specie payments, reckless of the ruin that might be brought about thereby. You would first require a certain proportion of specie to be kept in each bank upon the amount of its deposites, at the same time paying in those deposites, not in specie, but in paper of other banks. Not content with this, they must publish in the newspapers a monthly exposé of all their affairs! Where was the necessity for this? Under the bill returns were to be made to the Treasury, and every guarantee had been thrown around that was considered forcible and practicable at the same time.

What was the next provision? The first was that of requiring a certain amount of specie in proportion to the liabilities. The second was that of throwing open the condition of each bank. And the third was, that the deposite banks should pay interest on the public money in their hands. Mr. P. would ask, had interest ever been required of any depository from the foundation of this Government up to the present time? It was scarcely necessary to go into this branch of the argument. The subject was also amply discussed at the last session of Congress. What duties had these fiscal agents to perform? They would have to perform the duties of pension agent, without any allowance or compensation, except for the actual cost of books and stationery. They had to furnish the Government with facilities in collecting, receiving, and disbursing the public money, and in this way alone he would venture to affirm there would be a great saving to the Government. Besides, how could interest be charged for the use of money, the amount of which was liable to such fluctuation as the public deposites? Mr. P. felt no hesitation, then, in saying that, if you imposed such hard terms upon these banks, you would be driven to select those of a second rate character, instead of the best, the most solvent, and the most efficient. He hoped and trusted that the plan for the employment of these banks would not be so crippled with regulations as to make it altogether impracticable.

The gentleman from Pennsylvania thought the system must fail. Permit him (Mr. P.) to say that, if the bill should have thrown around it the provisions proposed by that gentleman, in his judgment those institutions would be so trammelled and fettered as to render it very difficult, perhaps wholly impracticable, for many of them to succeed. They would then have to resort either to the scheme of the gentleman from Virginia or the gentleman from Pennsylvania, or be thrown back again upon a national bank. The gentleman from Pennsylvania distinctly averred that the system could not succeed, unless it should be converted into a national bank; he also avowed his hostility to this bill in any and every form or shape in which it could be presented, and he informed the House at the outset that he intended to vote against it. The gentleman also further told the House that, if it passed the bill, the responsibility would be upon them; if they rejected it, the responsibility would be elsewhere. The gentleman had predicted that the whole system must fail, and that the scheme was altogether impracticable. Now, Mr. P. submitted to the gentleman whether it was fair to that part of the House who differed in opinion with himself, and who thought it a practicable scheme, to embarrass that scheme with these amendments, and strive to render it wholly inoperative? To put the proposed provisions into this bill would, indeed, have this effect.

The gentleman from Pennsylvania further said that the success of the State banks as fiscal agents of the Government, for the last six months, was mainly to be attributed to the forbearance exercised by the Bank of the United States during the spring of 1834, and the effect of the panic. Forbearance of the Bank of the United States! Mr. P. then knew not what forbearance was; but he did know that, during the whole of last session, nothing was seen or heard but one general stream of invective from the party sustaining the bank, and that institution could not extend its accommodations, because, on account of the removal of the deposites, they were compelled to make provisions to pay off their own liabilities. So far from forbearing, we were again and again assured that the bank had been rendered powerless, and could not relieve the country; but as soon as Congress adjourned, we saw a correspondence between the bank and a committee of merchants of New York, in which the bank said that, as Congress had adjourned without doing its duty, it would then generously extend its loans. Was the panic got up by the friends of the State banks, or by their opponents? By the friends or enemies of the bank? The whole country would give but one response to this question.

Mr. P. wished to set the gentleman from Pennsylvania right as to another fact. The gentleman had said that the effect of the panic had been to diminish the importation of foreign articles of commerce; but he must have overlooked the returns from the Treasury Department. If he would turn to them, he will see that, so far from our transportation trade having decreased, it had increased to an amount of fourteen millions over any other year.

[Mr. Binney explained. He had referred to the increase of importations in specie, and a diminution of other articles.]

Mr. Polk said, still the Treasury returns showed a great increase. The argument of the gentleman from Pennsylvania, that the panic had produced an influx of specie into the country, was fallacious. It was true that more specie was imported during the year 1834; but then the amount of imports of goods, or general fabrics, had not diminished; and this fact was borne out by official statements. The country, then, has been prosperous; but she is indebted for that prosperity neither to the bank nor to the panic, but to the new impulses springing out of the employment of State banks as fiscal agents of the Government, to which the bank and its friends had been the most inveterate enemies, and did all in their power to sweep them from the face of the earth. They have stood up against the power of that institution, and the effects of the panic also, and have been, so far, successful. The gentleman said that the parallel case of those banks, as formerly existing, viz: between 1789 and 1816, during which they were constantly employed as fiscal agents, did not hold good; because, said he, there was then as much specie in the country as now; and, moreover, that the calamity of their inability came at last. But the gentleman's argument did not hold good; for the country was then only just liberated from an expensive war. The cause of their failure ought to be ascribed to their having made their issues too large, (many of them, he believed, from patriotic motives,) and were not able to meet the sudden call upon them. We had, however, a guarantee now, which did not exist then, and that was in the regulation of the standard of our metallic currency, by which it would be kept from exportation.

Mr. P. said he would now conclude with hoping that the House would not so embarrass and trammel the bill as, in the judgment of those in favor of it, and of those who would be called upon to execute it, to render it impracticable, and thereby give the vantage ground to the Bank of the United States. He was anxious that the public should be secured in every possible way, but he could see no additional safeguards in the propositions of the gentleman from Pennsylvania.

One word in regard to these amendments. He did not know whether it was improper to allude to what had occurred elsewhere, but this he might say, that the proposition now moved by the gentleman from Pennsylvania was not heard of when the original bill was discussed in the Committee of Ways and Means. The provision relative to specie payments was inserted in the present bill; though Mr. P. had deemed it unnecessary last session, still he thought it could do no harm. Mr. P. concluded by trusting the House would alter its decision by reconsidering its vote and rejecting the amendment.

Mr. BINNEY spoke at considerable length, in reply to the arguments of Mr. Polk, and going to show that the amendment introduced by him, and proposed to be reconsidered, would be salutary in its tendency, and necessary in its operation on the general influence of the bill. It was not unreasonable to require of each of the deposite banks to retain within their vaults at least one fifth of the amount, in specie, of its circulation and deposites. He pursued his argument and reply for upwards of an hour; contending that the amendment proposed nothing but which the local banks were fully able to meet. The converse of this opinion must arise from a want of information as to their real situation, highly injurious to them.

Mr. CAMBRELENG followed. He expressed his satisfaction at hearing the opinions from the gentleman from Pennsylvania, [Mr. BINNEY,] that the State banks were in such high reputation. He believed it was the first time such an admission had come from that quarter of the House. Mr. C. then proceeded to show his reasons for advocating a reconsideration of the amendment of the gentleman from Pennsylvania; among which was the fact that the banks had no effectual control over the public moneys deposited in their vaults, which were liable to be drawn and transferred by the Government at any moment. On the subject of a hard-money system, he believed he would go as far as that gentleman. He concluded by repeating his conviction that the reconsideration should prevail, and the amendment be expunged.

Mr. McKINLEY then addressed the House at length, in favor of a reconsideration of the amendment. He appealed to the House to decide now, whether they were prepared to sanction, in this bill, a system which would most inevitably have broken down the old one, or to put upon these institutions such restrictions as none could bear.

Mr. JONES, of Georgia, said: Mr. Speaker, as the gentleman from Tennessee [Mr. POLK] has called on all who are opposed to the Bank of the United States, it will not be surprising to any that I should offer a few remarks. I am as much opposed to the recharter of that bank as either the gentleman from Tennessee or Alabama, [Mr. McKINLEY.] Not that I think the bank unsafe, or that the directors have acted with any other view than to the obtainment of a charter; but because its powers are and must be, to render it effective, too great to be safely trusted to any such institution. While, therefore, I am opposed to the Bank of the United States and in favor of making the State banks depositories of the public money, I desire to put such restraints upon them as to keep them safe. For that reason I was in favor of the requisition of the amendment as modified at my suggestion to one fifth specie to the amount of circulation and deposites. I am still in favor of that, so far as regards banks in which the customs are deposited, whilst I would exempt those Western banks, so far as respects the deposites arising from sales of public land. They are the banks, and the only banks, which the gentleman from Tennessee [Mr. POLK] has called your attention to as being unable to comply with such a requisition. I entirely agree with him, that it is impracticable for them to do it. I was not unaware of this difficulty; shortly after the amendment was agreed to, I prepared an amendment to provide for and obviate it, which I intend to offer at a proper time. That the House may see it will freely meet the exigency of the only banks which have been brought to their notice by the gentleman from Tennessee, I will read it.

Provided, That the said requisition of one fifth specie shall not be construed to apply to the deposites made in any bank or banks by the receivers of land offices, of money collected by them from sales of land belonging to the United States: *And provided, also,* The bills so deposited by the said receivers shall be bills of specie-paying banks, which bills the said receivers of the land offices are hereby required to receive in payment for said lands.

I cannot believe some two or three millions will be paid into the banks in a day or two from customs. They are collected in smaller sums, and some weeks are required to swell the deposite to such an extent. Large amounts are frequently in a few days paid to the receivers of land offices, and by them deposited in those banks. They have not the opportunity, situated remotely from other banks, of converting those deposites, or any part of them, into specie; and this amendment provides for them. It is not so with banks in which the customs are collected. They are usually in large cities, where the banks are located whose bills have been collected, and it is perfectly easy to exchange them for specie.

We have been told this will compel the deposite banks to call on the other banks for frequent settlements, and to demand specie of them. This is all a mistake, sir. They cannot be compelled to call for exchanges more frequently than they now do. In large cities settlements are made every day; in other places every week or fortnight, as may be convenient. It is admitted that one fifth specie to circulation is not too high a requisition. Every bank, then, ought to have that much, at least. Now, the bills received by the deposite banks must be their own or the bills of other banks; they should have one fifth of their own bills, which were in circulation, and the other banks ought to be made to redeem the one fifth of their bills which had been received, in specie.

The gentleman from Alabama [Mr. McKINLEY] says this is requiring more than has ever been required by any bank charter. I have not examined the charters, and therefore cannot speak certainly; but I think he is mistaken. If I recollect correctly, the charters require that the circulation shall not exceed one third the amount of specie in their vaults. And the banks have generally found it unsafe to go beyond twice the amount. And if you add to these the deposites of individuals, you will generally find in safe banks they both do not exceed five times the amount of specie. And, sir, I cannot consider any bank entirely safe which has not generally one fifth specie of its circulation and deposites.

The gentleman from Tennessee has said, and said truly, that if you adopt all the amendments of the gentleman from Pennsylvania, [Mr. BINNEY,] it will be impracticable for the State banks to become the depositories of the public money. The adoption of this amendment does not pledge any gentleman or the House to adopt the others. On the contrary, there are several to which I am opposed. I am opposed to the monthly publication of the reports of the deposite banks. It is proper these reports should be made monthly, at least, to the Secretary of the Treasury; but it is both expensive and oppressive to have them published. It exposes the deposite banks to the tremendous power of the United States Bank, and also places them in the power of other State institutions. It gives those banks an unfair advantage, and is of no use. The information is wanted by the Secretary, to enable him to judge of their safety, and therefore ought to be given him. The community can derive no advantage from it. It is sufficient to have those reports laid before Congress at each session, to enable them to act advisedly when necessary. I am opposed to the interest. The deposite banks will have many things to do for the United States. They must make the collections; keep the money safely; transmit it from place to place as may be necessary. All these are expensive to the banks, and would be very much so to the United States. The expense to the banks cannot be less than two or three per cent.; and if the United States had to collect the money, build houses and vaults for its safe keeping, and transmit it from place to place where it may be wanted, you will find the expense not less than five or six per cent. It has been said the United States Bank paid a bonus for the use of the deposites. Sir, this is a mistake. On a former occasion I endeavored to show that the deposites was no part of the consideration for the bonus; but that it was paid for the banking privileges given by the charter. I shall not now go into that inquiry. The United States cannot then refuse to the banks the use of this money free of interest. It is not only of use to the banks, but benefit to the community. A principal reason why the banks should be the depositories of the public money is, that they may lend it to the community. By this the burdens of taxation are lessened. The merchant who has a large amount of duties to pay, can more easily do it by getting an accommodation from bank than if he had to pay the money in cash.

I am opposed to the security. The requisition of one fifth specie will keep them safe enough, and when monthly reports are made to the Secretary, he must be very negligent or corrupt if he does not discover any want of safety in any of those banks. This requisition I would consider unreasonable and oppressive. The one fifth specie I consider reasonable, and conducive to their safety. Whilst, therefore, I shall oppose the other amendments, I am in favor of this; and, believing it can be guarded from all ill consequences to the Western banks by the amendment I intend to offer, I shall vote against the reconsideration.

Mr. HUBBARD now moved the previous question; whereupon,

Mr. VANDERPOEL moved a call of the House, and demanded the yeas and nays; which were ordered, and, being taken, stood as follows: Yeas 144, nays 59.

The Clerk then called the roll, when 190 members answered to their names.

The absentees were called.

Mr. MERCER moved that further proceedings in the call be suspended; but the House refused its assent.

Excuses were received on behalf of the (nine) absent members, some of which were admitted and others not; when all further proceedings were suspended.

The question then recurring on seconding the previous question, it was decided in the affirmative: Ayes 126, noes not counted.

The previous question was then put and carried; when the House, by yeas and nays, agreed to reconsider the amendment of Mr. Binney, which it had before adopted: Yeas 119, nays 109.

The amendment being thus thrown open again to discussion,

Mr. JONES offered an amendment, excepting from the operations of the amendment of Mr. Binney the banks in which the moneys paid for public lands shall be deposited, and requiring the registers and receivers to deposite only the notes of specie-paying banks.

Mr. Jones's amendment was not agreed to.

Mr. MILLER, of Pennsylvania, now moved the previous question, [the effect of which motion, if carried, would be to cut of all amendments, and bring the House to the question upon the bill;] but the House refused the motion: Ayes 97, noes 116.

Mr. CLAY moved an adjournment.

The motion to adjourn prevailing, ayes 105, noes 48, The House adjourned.

Friday, Feb. 20.

TERRITORIAL BILLS.

After disposing of some preliminary business,

Mr. SEVIER asked the House to consider certain bills relative to the Territories, which had been reported by a Committee of the Whole.

Objections being made,

Mr. SEVIER moved a suspension of the rule; which was agreed to: Yeas 113, nays 27.

Several bills in relation to the Territories were then read a second time, and ordered to a third reading.

The bill from the Senate, authorizing the construction of a railroad upon the public land, from Tallahassee to St. Mark's, in Florida, coming up among the rest, and several amendments having been disposed of, the question recurred upon the amendment adopted in committee, authorizing the construction of a railroad upon the public lands in the Territory of Michigan.

Mr. WHITE said that he understood the railroad in Michigan, provided for in the amendment, was connected with the disputed boundary question; he therefore hoped that the Delegate from that Territory would withdraw the amendment, and attach it to one of his own bills, as it would be calculated to embarrass the bill in which his (Mr. W's) constituents were particularly interested.

Mr. MERCER remarked that the adoption of the amendment would make the bill incongruous, as it was not competent for the House to change the title of a bill from the Senate.

Mr. LYON said he could see no force in the objection of the Delegate from Florida. The boundary question had nothing to do with it. He understood that the members from Ohio intended to resist the amendment because one end of the proposed road touched upon a tract of country claimed by the State of Ohio. He thought an objection of that character an illiberal one. In order, however, to avoid a long debate, and according to a promise which he had made to the Delegate from Florida, not to throw any embarrassment in the way of the passage of the bill, he would withdraw the amendment.

The bill was then ordered to be read a third time.

POST ROUTE BILL.

Mr. CONNOR moved to suspend the rules in order to take up the bill to establish certain post routes, and to alter and discontinue others.

Mr. VINTON expressed the hope that the gentleman would ask an evening session, for the purpose of considering this bill. And he moved to amend the motion so as to fix upon Tuesday evening next, at seven o'clock, as the time.

Mr. CONNOR accepted the amendment as a modification; and, after some conversation, the motion was further modified so as to fix on Monday evening at six o'clock, and the motion was agreed to.

TENNESSEE LAND BILL.

Mr. DUNLAP moved to suspend the rules of the House, for the purpose of going into Committee of the Whole on the Tennessee land bill. Mr. D. said he asked the indulgence of the House to state the situation of the persons provided for in said bill. The citizens of eighteen counties, and the fractions of five others, were directly interested in the passage of this bill; they live on scraps of vacant land. They had been for twelve years asking Congress to provide some means for them to obtain a title to their homes; it had hitherto denied them. The members whose constituents were directly interested in the passage of this bill had, during the last and present session, contented themselves to give silent votes. They had not occupied the attention of this House with long speeches. Their great anxiety to get this bill passed had prevented them from occupying a portion of the time of the House in debate. Their constituents had a right to a portion of the time of the House, for the consideration of their business; none had been given them during the last or present session. We have been assisting other gentlemen to get the business of their constituents attended to; now we ask them to assist us. The provisions of the bill are such as will give general satisfaction. He did not believe there could be any opposition to the same, and that it would occupy but a short time of the House. He asked it as a matter of favor of the House to take up this bill.

Mr. CROCKETT wished to make a few explanations on the subject of this bill; but objections being made, Mr. C. resumed his seat.

The question was then taken on Mr. Dunlap's motion to suspend the rules; which was negatived: Yeas 77, nays 52—two thirds being required.

WESTERN TERRITORY.

Mr. GILMER moved to suspend the rules, in order to take up the bill "to provide for the establishment of the Western Territory," reported at the last session. Mr. G. stated that he had been informed, by the Secretary of War, that the immediate passage of this bill was highly important.

After some suggestions from several members, Mr. H. EVERETT asked the yeas and nays on the motion, and they were ordered.

The question being taken, the motion was agreed to: Yeas 145, nays 50.

The House then proceeded to the consideration of the bill "to provide for the establishment of the Western Territory, and for the security and protection of the emigrant and other Indian tribes therein."

The several amendments reported from a Committee of the Whole were respectively concurred in.

And the question being on the engrossment of the bill,

Mr. HORACE EVERETT entered into a lengthened defence of the provisions of the bill. He examined the relations in which the Government of the United States had placed itself by the several treaties made from time to time with the Indian tribes, and the relations in which it stood towards the Indian tribes, by the claims they had upon the Government of the United States, on account of those treaties. Various engagements had been entered into with those tribes, providing for their removal west of the Mississippi. For the fulfilment of these engagements, the faith of the nation was pledged. Among those engagement was one guarantying to the Indians the possession of their lands against all hostilities whatever, whether arising from other tribes or between themselves. These were the two most important engagements, and it became necessary to take measures for the purpose of fulfilling those obligations.

One great object of the bill was to enable the Indians themselves to make such regulations among themselves as should, in a great measure, relieve us from the burden, so far as we could induce them to take upon themselves the obligations we had assumed; to defend themselves from foreign hostilities, and maintain peace among themselves. This could only be done by employing such a military force as that provided for under the bill. One word as to the relations between the Government of the United States and the State of Georgia: we had bound ourselves to extinguish the Indian titles to all the lands within the limits of that State; and that would be done if this bill passed, and that embarrassing question for ever settled. Mr. E. then referred to the Indian titles in Alabama, Tennessee, Mississippi, &c., which belonged to the United States, and which we should then acquire. The first great object of the bill was to fulfil our obligations towards the Indians; the next to redeem the faith we had pledged towards the State of Georgia; the third to acquire a territory for ourselves in those States wherein the Indian titles belonged exclusively to the Government of the United States.

The great question was, if the bill would effect these objects: First, with regard to the Cherokees in Georgia, it was a belief, well founded, that, as soon as the bill was passed, that tribe would emigrate, and one great end would be answered, that of disposing of those intricate and embarrassing questions which had so long been agitated, not only in the State of Georgia, but also in other sections of the country. Mr. E. then entered into a review of the various sections of the bill, *seriatim*. With regard to the alleged indisposition of the Indians to emigrate, Mr. E. said the committee had satisfactory evidence before them that the tribes were willing to do so, if their territorial Government could be ensured. The committee had procured a translation of the bill, and submitted it to a delegation in Washington, who expressed themselves satisfied with it. The object was not to force it upon the Indians, but to organize a plan, and to provide an officer on the spot, who might aid and assist in carrying it into effect. Much error had arisen from the name given to that officer, from his being called governor, instead of superintendent; and it was thence imagined that it was the object of the bill to form an Indian government; but this was not so. The plan of the council was for the purpose of their forming a confederation of the different tribes. It was indispensable that the presiding power should be somewhere; it was in the President of the United States, who, as commander-in-chief of the army, was required to see the bill carried into effect, which could only be ensured by a military force; and the commander of that force would be appointed in the usual manner. Sufficient powers had been reserved to the United States, in the provisions of the bill, between the different tribes.

With regard to a delegate, it was absolutely necessary that the Indians should have one in that House. What objections might be urged against it he knew not; but if they were to examine the subject minutely, they would find it exceedingly difficult to discover by what authority a delegate from either of the Territories came there. The end of the committee had been to provide for every thing which could civilize the Indian tribes, and no provision was thought more conducive to that end than the provision authorizing a delegate to be sent to Congress. It would also be productive of a great saving to the United States, and would eventually do away with much of the expenses of the Indian department.

Mr. JOHN QUINCY ADAMS regretted to see that there was an evident disposition on the part of the House to pass this bill. It was a bill interfering with the laws of nations, and proposing the establishment of a despotism. It was a bill to alter the constitution of the United States, and was contrary to the second section of that instrument. He asked the gentleman who reported the bill [Mr. Everett] to show him any article of the constitution authorizing the establishment of an Indian territory. This land was guarantied to the Indians, and what right had we to take upon ourselves to form the Indians into an integral part of the United States? Such an instance was never known under the constitution. If you did this, what could prevent you from having a negro territory in the United States, and authorizing it to send a delegate to Congress? Were gentlemen prepared for this? He believed not; but it might come.

It was also a bill to change the laws of nations. The relations in which the United States existed towards the Indians, were relations under the common compact of the laws of nations. The Indians had retained the power of self-government. We had made treaties with them, and if we proposed any such control over them as that intended by the present bill, it could only be done by treaty. We were assuming more than we had a right to in doing it by legislation, though he was not unaware that an Indian treaty was a mockery.

It was a bill for the establishment of a despotism. It was in contravention of the laws of nations, and was therefore despotic. Under the constitution, every State must be republican, and the people were so punctilious that, although they reserved certain sovereign rights to the States, they made it a fundamental principle with them all, that no government in this Union should be established, other than republican. If they did so, the other States were bound to put it down by force. This bill was not republican at all; it established a military despotism. To prove this, Mr. A. read the second and third sections of the bill, and said it was the very essence of despotism He intended to move to strike out those two sections. The bill had undergone a close and rigid examination last session, and was proved to be of the character he had designated, Mr. A concluded by moving to strike out the second section of the bill.

Mr. BURGES was always in favor of every thing that could be done to those wrecks of so many mighty nations but to see the representatives of a great Republic, sitting there to make laws for people who were unrepresented, was one of the greatest anomalies he could have conceived. It would be inefficacious. If those people had asked for it, and had requested the wise men of this nation to make a code of laws for them, that would be different; but they could not be coerced by laws made without their own consent. He should shrink from doing so with horror.

Mr. B. opposed, particularly, the provision of the bill providing for a reversion of the Indian lands to the United States, and said he could not support the bill. We were placing these men under the power of our legislation, and then providing for taking back their lands again. In a few years, he said, by dragoons and bayonets, Christian tomahawks and scalping knives, not one of these poor fellows would exist on his land.

Mr. GILMER said, if they intended to act upon this bill, it was impossible to go into the old question with the Indians. The clause referred to by the gentleman from Rhode Island [Mr. Burges] was an exact transcript from the agreement made with the Indians themselves. The Indians were in a state of pupilage, regarded as unfit to govern themselves. It was said that the employment of a military force made this a despotism. Was not the United States a republican Government, and would the gentleman from Massachusetts refuse to employ a military force to carry the laws into execution? And why should not the Indian council do the same? The gentleman himself had once carried it out to a greater extent. Mr. G. contended that the bill was the only measure that could be devised to secure the Indian rights, and yet the bill was objected to by the gentleman from Rhode Island on that very ground.

[Mr. Burges explained. He wished their rights to be secured by treaty.]

Mr. Gilmer resumed. With regard to the motion to strike out the second section, he would observe that the word territory was used not in the sense of a government, but as a territory or tract of country. Mr. G. would have no objection to strike out all that part relating to territory, and insert some other words, and also insert a provision to reserve to the Indians the same right to the lands they had now. The word territory was introduced by the committee in compliance with the wish of the Indians themselves. Mr. G. moved to insert "lands within," so as to read, "lands within said Territory;" and gave notice of another amendment, connected with the provision for a delegate to Congress.

Mr. ARCHER regretted the apathy and indifference with which this subject was regarded. He contended that the bill under consideration was for the establishment of a foreign confederacy, that might become as great as our own. We had as much right to go abroad and incorporate a government in a foreign land. We had territories now, but of what are they composed? Of citizens of the United States. It had been said they were in a state of pupilage. Who governed them? Who appointed the meetings of their councils? Did not every one know that the agent of the United States could govern these Indians by the influence of whiskey and presents? When these presents had not proved sufficient, what had proved so? Force! Is this securing to the poor Indian a government of his own? The remedy proposed grew out of those very acts of oppression. Mr. A. contended that the proposed Government would be a despotism—a military government in its worst form. He had a feeling which he would never surrender, which would always impel him to discountenance any government in this country composed of people of any other color than his own. There was even now a proposition existing to form a government of blacks on our borders. There was one already established in Canada, formed of the negroes from our own territory, and occupying one of the most fertile sections of the country. He asked, what would be the relation of this government to ourselves? It would be a province. Were we dead to the warnings of history? What finally subjugated Rome? Her provinces. The Territory in contemplation, (though it did not deserve the name of Territory, and he would not call it such,) would make a parallel with fallen Rome. Our governor or superintendent would resemble her proconsuls. He hoped the members of that House would pause before they recognised the principles sanctioned in the bill, and he expressed himself opposed to it in every form.

Mr. HARDIN began by an examination of the claims of Georgia on the United States Government, in reference to the Indian titles to lands in the Cherokee country, &c., and maintained that we were bound to fulfil the engagements we had made with Georgia for extinguishing those claims.

It was the policy of the United States to give them such a form of government as should induce treaties with all the Indian tribes, and make all those tribes the true friends of the United States. Such was the object of the bill. Notwithstanding the profound respect which he entertained for the opinions of the gentlemen from Massachusetts and Virginia [Messrs. Adams and Archer] on constitutional law, he could not see the subject in the same light in which they appeared to view it. Mr. H. then referred to the act admitting the Territory of Louisiana into the Government as a Territory, for which the gentleman from Massachusetts voted, and which was similar in many of its provisions to the present one. The officers of that Territory were appointed by the President; and where was then the cry of despotism? And he would ask them where was the constitutional objection to this bill? Military force was authorized in the incorporation of Louisiana into the Government. Why then object to it here, where the Indians themselves were allowed a commanding voice in its exercise? He could see no despotism in the matter. The opposition to the bill reminded him of the trick of lawyers so often resorted to sustain a bad cause.

Mr. H. said he would be happy to see a delegate from that abused race upon this floor; and he doubted not that nine times out of ten he would go with him. Give these tribes a government, and a standing among nations. What more degraded the otherwise fair character of our country, than the fate of this almost extinct race? The remnant of them left on this side of the setting sun, was a reproach to Spain and to Europe. What could more contribute to our glory, than to be the instruments of making a reparation so long due to an injured, a persecuted race? Mr. H. alluded to the indirect and inefficient attempts that had been made to civilize the Indians, by sending missionaries among them, &c.; but he would say, give them a government, give them property, give them laws and literature, and every thing would follow. They would then become Christians like ourselves. We owed it to Georgia to do it. We owed it to ourselves, and to our God, and he never in his life voted more cheerfully for any bill than he should for the present. He had no such fears as those dreaded by the two gentlemen who had addressed the House that morning. Wait till the time come, and then meet the contingency. He hoped the bill would pass.

Mr. VINTON said this discussion was unexpected to him. It was a solemn subject, and he feared the character of the bill was not properly understood by the House. If the country was charged with any violation of public faith, which bore with particular force upon its national character, it was this of its obligations to, and contracts with, the aborigines. The Territory included in the bill extended over an immense portion of our continent—bounded on one side by the twenty-ninth degree of north latitude, and extending over thirteen degrees of longitude. He concurred with the gentleman from Massachusetts, [Mr. Adams,] that the government proposed for this Territory was a despotism—a military government in embryo.

How was this Territory to be governed? By a governor, and a council consisting of twenty-four chiefs, who were "to be elected or selected." What selected meant, he knew not. Then, it was confined to chiefs; no other Indian than a chief. Then, the governor had many despotic powers. Mr. V. recited the various provisions of the bill setting forth the same.

Mr. CLAYTON rose and requested the Chair to call the House to order, as the stir was so great that, though sitting near the gentleman, he was himself unable to hear him distinctly.

Mr. HUBBARD said, as there was a great excitement prevailing, in consequence of the important news that had arrived, he moved that the House adjourn. Negatived.

Mr. VINTON resumed. He was opposed to the bill, because, in the first place, it was unconstitutional; and secondly, it was anti-republican. If it was intended to form a civil government, he was for the employment of civil officers only. If, however, the bill should be adopted, he should move to restrict the limits of the Territory within a smaller compass, so that it should not be larger than one, or two, at the utmost, of the Western States.

Mr. CLAYTON, of Georgia, now rose and addressed the Chair as follows:

Mr. Speaker: As this is a question of great concern to the nation at large, and still deeper interest to the State of Georgia, I hope I may be allowed to trespass upon the patience of the House, nearly exhausted, I have no doubt, but for a few moments longer. I confess the discussion has greatly surprised me, because I have found opposition in a quarter where I least expected it, and it has disclosed to me some secrets that will not be unacceptable to the people I have the honor to represent. What does this bill propose? What I had supposed would have been hailed with acclamation among some benevolent people, who have been lamenting, in tears of bitter anguish, for ten years past, the deplorable condition of the Southern Indians. The bill proposes to give to all the Indians east of the Mississippi a fixed and certain home beyond that river. It is to be theirs, free from all future troubles from the white man. It is to be guarantied to them under the faith and solemn pledge of this great nation, confirmed by all the sanctions of law, and secured by all the obligations of honor and justice. They are to have the right of self-government in their respective tribes, and a confederated one between all the tribes living upon the Territory, with the right of paternal supervision on the part of the general Government. To aid in carrying into effect these humane and desirable objects, and to protect and defend the Indians against invasions from abroad, as well as from internal dissensions, a governor or superintendent, to be appointed by the President, is to preside over their confederated government, and to employ the military force, if necessary, either for the purposes just mentioned, or the execution of such laws as may be passed by their council. And, finally, they are to be represented on this floor by a delegate, in the manner of the other Territories. To this plan I understand the following objections to be made: 1st, by the gentleman from Massachusetts, [Mr. Adams,] that it is unconstitutional, that it violates the laws of nations, and is the "quintessence" of despotism. 2d, by the gentleman from Virginia, [Mr. Archer,] that it is a despotism, and that such a confederation will be dangerous to the liberties of the people of the United States: first, from the confederacy itself; and, second, from the military force in the hands of the President, intended to defend the Indians; and, 3d, by the gentleman from Ohio, [Mr. Vinton,] that it is unconstitutional, and that it is too much land to be given to the Indians. I understand that these are all the objections to the bill; if there are any others, I desire to be informed of them before I proceed, because I feel a perfect confidence I shall be able to convince this House that none of these are of sufficient weight to impede for a moment the passage of the bill. I shall commence with the gentleman from Massachusetts, and in answering his objections I shall accomplish the same thing as to similar ones made by the other gentlemen. And, first, as to the unconstitutionality of the proposed law. The gentleman from Massachusetts contends that no part of the constitution authorizes such a government, and the absence of such a power is enough for the proof of this position. The gentleman from Ohio goes further, and shows that Congress has no other right to interfere with Indians, but to regulate commerce with the tribes, reading to us this clause of the constitution: that Congress shall have power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes," and that any further legislation as to this class of people is wholly unauthorized. There is something so amusing in these grave arguments about the violation of the constitution, used by gentlemen who have stretched it in every possible shape which such a pliant instrument could assume, that it is difficult to restrain one's laughing propensities; and I can hardly forbear to ask them when they came to the knowledge of these very important discoveries? I know their illumination is of but very recent date, for I will show a time when they were perfectly ignorant, or affected to be so, of the sage doctrines now for the first time so zealously urged by them. I freely admit, Mr. Speaker, that the name of Indian is mentioned but twice in the constitution; once as just quoted by the gentleman from Ohio, and again where designating the population that shall be entitled to representation, "Indians not taxed" shall be excluded, and that neither of these provisions will authorize the contemplated legislation. But I will presently show the clause that will satisfy every mind. Before doing this, however, I must not lose sight of the promise just made to satisfy this House that the constitutional scruples of the gentlemen are of but very late origin. I lay down this position, and defy contradiction upon it, that the treaty-making power of this

Government must stick to the constitution as closely as the law-making power, and that neither can travel out of that instrument. Does any man dare to deny this? And recollect I do not use the expression in a spirit of menace. Now, how does it happen, Mr. Speaker, that if you cannot legislate further than the right to trade with the Indian tribes, that you can treat with them over and beyond that power? If there is but this single subject in the constitution that the law-making power can have any thing to do with, will these gentlemen show me where the treaty-making power has any further rights over the subject? Surely it will not be contended that the Preident and Senate can do more with a power in the constitution than the President, Senate, and House of Representatives, with the identical same power? Well, then, sir, if they cannot, let me call to the recollection of these gentlemen some treaties made with the Georgia Indians, in which this Government not only attempted to regulate trade with them, but it actually stipulated to guaranty their lands to them; to grant them the right of self-government, to establish a penal code for the punishment of citizens who should trespass upon their territory, to have them arrested by a military force and dragged to distant tribunals for trial; and all this, not upon the Government's own territory, but within the acknowledged limits of a sovereign and independent State! Is it remembered how Georgia has been abused and scandalized for objecting to these treaties upon the very grounds which these gentlemen now contend would be unconstitutional if carried into a law? The whole country, from one end of it to the other, rung with lamentations, far beyond any of Jeremiah's, at the cruel, heartless, faithless conduct of Georgia, in disregarding the solemn treaties of the Government. Benevolent societies, female associations, were formed, to mourn over the condition of a people whose lands and rights of self government had been wrested from them by virtue of violated treaties. Nay, sir, this is not all: these treaties were attempted to be enforced by a "superadded obligation higher than human authority;" and now, sir, we find that Congress has no other right but to regulate trade with the Indian tribes. I thank the gentlemen for their new lights upon this subject, as it redeems my State from a tremendous load of guilt; and they ought now to take back what they have said and thought about the conduct of Georgia, for both of them have maintained that these treaties were constitutional, unless, indeed, they should contend that the doctrine they now advance is not applicable to treaties.

Sir, I will show the House their right to legislate on this subject. In the third section of the fourth article of the constitution you will find these words: "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." This is the authority upon which you have founded your territorial Governments, that differ from the one proposed in the bill on your table in no essential particular, save perhaps the difference of color in the subjects of your government. You have this territory; no one disputes your right to it; and you find upon it numerous tribes of Indians, over whom you have a guardian care, and have exercised it from the foundation of the Government. I lay down this position, that the general Government can do with its territory, and the Indians thereon, under the provision of the constitution just mentioned, what the States can do with the territory, inhabited by Indians, within their respective limits. And what have they done? Have they not exercised the rights of government over them? Nay, has not this Government extended its regulations over the Indians in various ways? Have they not superintendents connected with almost every tribe? Look at your intercourse laws; do they not provide for the government of the Indians? The question is not how much regulation you will exercise among these people, but can you do it at all? for the moment you introduce the slightest rule over them, the whole power is let in to govern them in such a manner as will best promote, in your judgment, your and their interest. You have a right, as already shown, to dispose of your territory, and you have the further right to make all needful rules and regulations respecting it, that you may think proper. Well, here are these unfortunate beings on your territory, unfit, by reason of their color and the want of sufficient civilization, to be incorporated in those political institutions by which your own citizens are governed. What are you to do with them? Are you prepared to cut their throats, or drive them off at the Pacific ocean? If you could regulate them while they were within the limits of States, and this you claimed the right to do, by treaties, by intercourse laws, by your superintendents, by your army, what is to hinder you from doing the same thing on your own territory? Is it because you hate to give up your land, and had rather keep them on other people's land? I shall say something more about this hereafter. Does any man doubt, then, your right to go upon your territory, clothed with the power to dispose of it, and to make all needful rules and regulations respecting it, and, finding these people there, to say to them, we do not wish to exterminate you, but we are willing to cede this territory to you as long as you remain on it; but such is your savage character and warlike disposition, we wish to ameliorate the first and to restrain the last, and therefore you must submit to such needful rules and regulations as we may adopt for that purpose. You cannot think hard of this; for, with but little difference, this is the manner in which we govern our other Territories, inhabited by our own white people. Can any man believe that this would be unconstitutional? So much, then, for the constitutional objection.

The next objection is, that it violates national law, (by the by, I do not admit that they constitute such a nation as brings them within the privileges and benefits of that code, and so say the writers on that subject.) But suppose they do? I understand the gentleman to say the national law is violated, in this, that the bill destroys the right to treat with them. Now, so far from this, their rights under former treaties are secured to them by the last section of the bill; and it is one of the avowed objects of the law to enable the Government to make such treaties with them as will procure all their lands on this side of the Mississippi, for the very lands in the bill upon which they are to be settled. The Government, through the Secretary of War, has said, no treaty can be made until this law is passed, for the Indians want some pledge, some guarantee that they shall have another before they part with their present home.

[Here Mr. Adams rose and said there was another ground upon which he considered the national law infringed, viz: that the bill changed our relations with the Indians.]

Sir, I thank the gentleman for this last objection, for it is obviated as soon as made. The bill expressly declares that none of its provisions shall go into operation except by the free and voluntary assent of the Indians, and I apprehend he will not deny, after the great experience he has had in negotiations, that nations may alter, by agreement, their relations with each other to any extent they please.

So much, sir, for this objection. The next is the despotism which this bill creates; and the argument urged to prove it is the use of the military, on the part of our Government, to execute the laws of the general council of the Indians, if necessary, and to defend them from external aggression and internal commotion: precisely the use that is made of it in all other Governments. Sir, there are two forces employed in the execution of all laws, moral and physical. Every law presupposes the use of these agents: the first is a judicious and well-regulated public opinion, cheerfully acquiescing in all just and equal laws—and none other should be made—for the benefit which is derived to society. As this is the will of society, so the second is its arm, its whole strength, and must be used to carry its will into effect: government cannot exist without it. The first application of it is in its officers—your judges, sheriffs, constables—and, finally, these failing, your militia. Be it always remembered, however, that this in only applicable as between the Government and its individual citizens, municipally; not as between sovereign and independent communities politically. Now; sir, the gentleman from Ohio, in showing the despotism of this bill, emphatically asks, would you carry into effect the judgments of your courts by a military force? Why, sir, nothing is more common, and it is actually the law of the land, to which, in our own happy Government, he and the rest of us are daily subject. Is not your sheriff entitled to the force of the country to execute the judgments of your courts? He can first call upon a by-stander for aid, then upon the whole country, and, this failing, he can demand (through the courts) of the executive department, the whole militia of the country. Here, then, is the military provided by law to execute the laws of the land. It is not so much the degree of force, or the manner of employing it, as the right to use it at all. Once grant this, and the question is settled. If the law can be executed by the strength of one man, well and good; if it can be done by using a walking cane, that is equally well; but if it requires more persons, and the use of other instruments, the principle is not in the slightest degree altered. It was force before; it is nothing more now: there is only a difference in degree and manner; and no one will pretend to say of the individual resisting the law, it is a matter of any consequence to him whether the law officer comes against him with a bludgeon or bayonet, or dressed in a common coat or regimentals; if he is to be overcome, it it not for him to choose either the mode or the champion. Now, sir, with all this cry of despotism, we live under precisely such a one, and so must all Governments. All that is intended by the military force in the bill on your table, besides the protection to the Indians before mentioned, for which our Government has also its military force, it is designed for nothing more nor less than as a substitution for the *posse comitatus* to execute the laws, which the common council of the Indians may, from time to time, enact, and to come in aid of the tribunals appointed by them to administer these laws. Away, then, with this charge of despotism. Look at your intercourse laws with the Indians, under which you have acted for years. See the military force constantly used to protect them, and to carry into effect your laws, not only as against the Indians, but against your own citizens. I myself, as a State judge, have discharged our citizens, under *habeas corpus*, from the military of this Government. They were only acting as a sheriff, and carrying their prisoners before the civil authority; and this is all that is intended by the present law: it is only to be used in aid of the municipal power.

Sir, it ought not to be forgotten that the very peculiar and anomalous relation in which this unfortunate people stand to our Government imposes very great embarrassment, and which must be left to our discretion—a discretion that ought to be regulated by a deep sense of justice, and the warmest feelings of humanity. They are said to be in a state of pupilage to our Government; and, if so, this same principle that runs through the relations of master and apprentice, guardian and ward, parent and child, must be applied to them; and, however it may be abused, nay, has been abused, not only as to them, but even in the relations of parent and child, yet it is the best rule that belongs to the connexion, both for them and for us, and we cannot dispense with it.

Having now, sir, disposed of the three objections of the gentleman from Massachusetts, and, with them, two urged by the other gentlemen, I shall next notice the argument used by the gentleman from Virginia, [Mr. ARCHER.] He considers, 1st. A confederation of certain powerful tribes of Indians on our frontier, as dangerous to the peace of the States; and, 2d. That the military force, employed under the authority of the President, may prove dangerous to the liberties of the people; and instances the fate of Rome, whose liberties were lost by sending out the military into the provinces, under the command of a Sylla and a Cæsar. I feel no doubt, Mr. Speaker, that these warm feelings spring from a high and ardent love of liberty, and a jealous and justifiable watchfulness of its preservation. But, sir, I hope we all possess them; they are felt in a high degree by every member on this floor, not less, I am persuaded, than by the gentleman from Virginia. But, sir, they often betray us into reflections that in our cooler moments have more the appearance of fancy than of fact; and, sir, since this very discussion has commenced, there have been many things said that have much more of poetry in them than prose. Does not every one perceive, if these Indians are to be removed to our frontiers, to be mingled with those already there, that it will be safer to our frontier inhabitants to have them organized into a government connected with our own, with our own military to control them, with our fostering care constantly exerted to make them feel the benefits of the connexion, than to place them there in their wild and savage state, stimulated by want and the indulgence of their brutal propensities to the perpetration of their accustomed robberies and barbarities? Surely the two situations, as to their effect upon our tranquillity and safety, under their relative weakness to our power, can bear no comparison. And, sir, as to the other objection, of the President's turning the military upon our own liberties, can there be any rational fear of this, so long as the army remains unincreased? The President has the command of them now; who has ever had any dread of his using them against our liberties? This bill does not propose to enlarge the army; and, under its present organization of five thousand officers and one thousand soldiers, the gentleman cannot be serious in thinking that they will be marched to the Indian provinces, and return upon us with a Sylla or Cæsar at their head.

There is one thing, however, in which I agree with the gentleman; I am not prepared to receive the Indians into this hall, as representatives of their nation. With him I object to the color. There are some men among them to whom, on account of color and intelligence, there can be no objection, any more than could be urged against some of their blood who now occupy a very distinguished position upon this floor; but we cannot make a discrimination; and, giving them an unrestricted right, they might quarter upon us a full-blooded savage. This provision can be stricken from the bill; and, if hereafter their progress in the arts of civilization, the change of public opinion—for really this is a matter belonging to the prejudices of education, and especially a little bleaching of the color—should seem to call for it, they may be let into the privileges of our institutions. Let every generation legislate for itself; it does not suit us for the present; it may, however, sort with the increasing charities of the times hereafter, and they may be hailed as every way worthy of communion with the whitest skin in the nation. With what shall be done five hundred years hence, we can have no possible concern.

I come now to the last objection made by the gentleman from Ohio, viz: the immense quantity of the land to be ceded to the Indians; and he pulled out upon the House, by way of alarm, a map half as large as the territory itself. Mr. Speaker, I could but smile when I saw this display, and the fable of the farmer and the lawyer rushed into my mind. While the Indians were complaining that Georgia avarice was taking from them their lands, what an outcry! what sordid cupidity! what land mongers! what gold cormorants! But now, when they ask these very feeling, humane, heart-melting friends of theirs, "do give us a good wide home on your own lands where we will be safe from future persecutions," behold! when they come to find that it is their bull that has gored the ox, that alters the case. It must be inquired into. We are like the Georgians—we want the land for ourselves--the old States are a little crowded--we must push our people over the Mississippi—the Indians must not be in the way—we must put them upon as small a spot as they can well live upon—we do not like the idea of civilizing them, it may save them from extinction, and then we shall lose the lands altogether--they will keep them for ever—this will never do! Ah, Mr. Speaker, I find there are other people, in this wide world, who love lands fully as well as the Georgians, and have only lacked an occasion like the present, to show their cloven foot.

Mr. Speaker, let me ask the gentleman to reflect for a moment who this land originally belonged to, and, indeed, who it now belongs to. Nay, sir, will he not also recollect that the very spot we are now legislating upon was once, at no distant day, either, theirs? That they roamed over this whole land, from the mountains to the ocean, as the undisputed lords of the soil; and that they have been driven back from time to time, until they are reduced to the alternative of perishing where they are, or to be crowded upon the spot described in your bill, compared to which it forms but a drop to the ocean with the land they have lost, and which we now enjoy. Sir, I am told, by knowing calculators, that we have now twelve hundred millions of acres unappropriated, and which cannot possibly be disposed of for five hundred years to come. What do we want with more lands, at least for the period just mentioned? Sir, let them have it: it is theirs by right, by law, by equity; nay, by every principle which can bind us to a sense of mercy, and, what is stronger, to the eternal principles of justice.

Sir, I said, in the beginning of my remarks, opposition came from a quarter whence I could not have expected it, if there is any such thing as sincerity in the conduct of men. If those persons who have heretofore called themselves the exclusive friends of the Indians, whose bowels of compassion yearned, in such bitter anguish, over their hard fate while in the hands of the unrelenting Georgians, who said so many fine things about our exiling them from the homes of their ancestors and the graves of their fathers, are now unwilling to give them a better home—a home where we shall have a right to protect them—a home where they can no longer be disturbed—if they refuse to give them the right of self-government in their primitive tribes, and to aid them in civil government suited to a state of civilization, where they may be christianized, improved in condition, and enjoy the peculiar blessings of the arts and sciences, away with all canting hereafter about Indian oppressions: let them dry up their tears, and draw up their long faces, so happily adjusted for affected grief; let them dismiss their benevolent societies; let their female associations betake themselves to some other equally fanciful scheme of benevolence. The game is up, and the delusion is past; and though I cannot justify Georgia in all she has done on this subject, yet she stands fully acquitted of all reproach from those, at least, whose benevolence revolts at the proffered charity of this bill.

Sir, it may be thought the interest which Georgia has in this question has produced my zeal on the present occasion. If the fact were admitted, I do not perceive how that would weaken the claim which the Indians have upon your justice and magnanimity; but, sir, I can tell you the course of Georgia is taken upon this subject; and this Government has had experience enough to know she cannot be driven from her purpose. I do not mean to employ any thing like threats towards this House: I can assure the House I am far, very far, from such a temper—on the contrary, I never had more kindly feeling towards it; I only wish to call their serious attention to the present relations between Georgia and the general Government. They are at the point of a most tremendous explosion, which may possibly shake the Union to its very foundation. A case is before the federal court, and, if terminated against Georgia, by which that court will hereafter assume the revision of cases belonging to her criminal jurisdiction, depend upon it the State will submit to it only when she has lost the power to resist. Then, sir, would not the settlement of this difficulty alone be sufficient to authorize the removal of the Indians from that State, and with them the cause of more bitter contention, at home and abroad, than perhaps ever afflicted the peace of any community? There is no view of this subject which does not challenge for the great measure before you the cordial support of every friend to humanity.

Mr. ADAMS rose to correct some statements of the gentleman from Kentucky [Mr. Hardin] in relation to the vote he gave on the admission of the Territory of Louisiana into this Government. He quoted from the journals of the House from 1804 to 1806, (which he held in his hand,) to prove that the course he pursued on that occasion was directly the reverse of that attributed to him. He made a wide distinction between that case, however, and the present. This was for the admission into our Union of another race of beings—and not the admission of white men belonging to a foreign Government.

Mr. FILLMORE proposed an amendment to the bill, which was decided then to be out of order, but at the solicitation of Mr. F. the amendment was read. Mr. F. was induced to offer his amendment, he said, to apply particularly to those tribes of Indians residing in New York.

This amendment not being considered in order,

Mr. GILMER obtained leave to make some explanatory remarks applicable to the subject to which the amendment of Mr. F. alluded.

On motion of Mr. JONES, of Georgia,

The House then adjourned.

Saturday, February 21.

CLAIMS ON FRANCE.

Mr. CAMBRELENG, from the Committee on Foreign Affairs, reported the bill of the Senate to create a commission for the adjustment of the claims of American citizens, on account of French spoliations committed prior to 1800. Mr. C. said the committee had instructed him to state that there was not sufficient time for its members to investigate a question of such magnitude, and requiring the examination of so many documents; and that the committee had therefore instructed him to move that it be discharged from the further consideration of the bill, and that the said bill be laid on the table. With the assent of the committee, he also moved that two statements—the one prepared by the gentleman from Massachusetts, [Mr. E. Everett,] in favor of the claims, the other by himself, against them—embracing much information on both sides of the question, be printed for the use of the House.

These motions were agreed to.

PUBLIC PRINTING.

Mr. HAMER, from the Committee on the Judiciary, to which a resolution adopted by the House, on motion of Mr. Burges, had been referred, directing said committee to inquire into the expediency of providing that all printing hereafter required for every branch of the public service should be executed in the District of Columbia, and also into the propriety of excluding all newspaper editors, and publishers of the same, from a participation in the execution of said printing, made a lengthy report. Mr. H. moved that the committee be discharged from the further consideration of the subject.

Mr. FOSTER asked for the reading of the report.

The reading of the report was commenced; but before it was concluded,

Mr. WATMOUGH called for the order of the day. Yeas 98, nays 48.

Sundry bills were then taken up, read a third time, and passed.

O. H. DIBBLE.

The motion heretofore made by Mr. Mercer, to reconsider the vote on the passage of a joint resolution, authorizing the Secretary of the Treasury to examine and adjust the claim of O. H. Dibble, for materials, &c., furnished for the erection of a bridge across the Potomac, and report the state of the same to Congress at its next session, was taken up.

After a few remarks from Messrs. MERCER and BANKS, the motion to reconsider was agreed to.

Mr. BANKS, instructed by the Committee of Claims, and by unanimous consent, submitted an amendment to the resolution; which was agreed to.

The question recurring on the passage of the joint resolution as amended, a desultory debate of considerable length ensued, in which Messrs. MERCER, BANKS, ANTHONY, FILLMORE, and MINER, participated.

Mr. ANTHONY moved to recommit the resolution to the Committee of Claims.

Mr. H. HALL moved the previous question; which was seconded: Yeas 80, nays 40.

The House then determined that the main question should be put.

The main question being, "Shall the joint resolution pass?" it was decided in the affirmative: Yeas 98, nays 75.

TENURE OF OFFICE.

The bill from the Senate to repeal the first and second sections of the "act to limit the term of office of certain officers therein named, and for other purposes," approved, May 1st, 1820, was read twice.

Mr. ARCHER moved that the bill be committed to a select committee.

Mr. FOSTER moved that it be postponed to Wednesday next, and made the special order for that day.

Mr. HUBBARD moved to commit the bill to a Committee of the Whole on the state of the Union, and that it be printed.

Mr. FOSTER said, if the latter motion prevailed, it it would be equivalent to sending the bill to the tomb of the Capulets. He demanded the yeas and nays on the motion; which were ordered.

Mr. HUBBARD referred to the number of appropriation and other important bills, which were necessary to be acted on. He did not object to the postponement of the bill as proposed, but he was opposed to making it a special order.

Mr. ARCHER withdrew his motion to commit to a select committee.

The SPEAKER informed the House that there were various special orders upon the calendar, which would have precedence, and that the present bill could not be reached if made the special order for a particular day, unless the House, by a vote of two thirds, postponed all the previous special orders.

Mr. E. EVERETT inquired of the Chair, if the bill was of a character which required its commitment.

The SPEAKER replied that, as the bill made no appropriation of money, its commitment was not required by the rules of the House.

Mr. HUBBARD withdrew his motion to commit.

The motion of Mr. FOSTER was then agreed to.

WESTERN TERRITORY.

The House then resumed the consideration of the bill to provide for the establishment of the Western Territory, and for the security and protection of emigrant and other Indian tribes therein.

The question pending was the motion of Mr. Gilmer to amend the second section of the bill, by inserting the words "lands within," so as to read "lands within said Territory."

Mr. JONES, of Georgia, said: I rise, Mr. Speaker, not to discuss the details of the bill, or to add any explanations to those which have been made by the gentleman from Vermont [Mr. Everett] and my colleagues. My object was to make some reply to the remarks of the gentleman from Massachusetts, [Mr. Adams.] Those remarks struck my ear with something like surprise, to hear that gentleman object to the employment of military force authorized by this bill, which he considered as despotism. Sir, that gentleman has not always had such an aversion to the employment of military force. If he has forgotten, I have not, and I believe I never shall, a memorable instance where military force was resorted to. I will recall the circumstances to his recollection. By the treaty of the Indian Springs, in 1825, the Creek Indians relinquished their title to all their lands lying within the limits of Georgia. When Georgia was about, in pursuance of her policy in all such cases, to survey and distribute the lands among her citizens, the military force of the United States was ordered into the State, and placed upon the frontier of her settlements, to prevent the survey and occupation of her lands. Yes, sir, her lands; for as soon as the treaty was ratified the lands within her limits became *ipso facto* her property. And by whom was it employed? By the authority of the gentleman from Massachusetts, who was then high in place, and had the power, but not the right to do so. Yes, sir, by that gentleman was the military force first employed against a State, and to prevent her from the legitimate exercise of her sovereign powers and the occupation of her own property.

But by way of explanation, and in answer to the remarks of the gentleman from Kentucky, [Mr. Hardin,] the gentleman from Massachusetts [Mr. Adams] has told you he was always opposed to the exercise of this power, except when required by treaty stipulations. Sir, there was no stipulation in that treaty which required or authorized the use of the military. It was called out under the provisions of the act regulating the intercourse with the Indians; an act in its character precisely similar to the one now before the House. But, sir, as I am always glad to see any return to correct principles, I congratulate the gentleman on the abandonment of his error, and trust he may now continue in the true faith.

The gentlemen from Massachusetts [Mr. Adams] and Virginia [Mr. Archer] could not permit this question to pass without adverting to the policy of Georgia in regard to the Indians. Sir, Georgia has been "more sinned against than sinning." Possessed of a large extent of territory, she conveyed to the United States sufficient to make two large States—Alabama and Mississippi—for which the United States engaged to extinguish the Indian title to all the land within her then contracted limits as soon as it could be done on reasonable and peaceable terms. The treaty of cession was made in 1802; shortly after the Indian title to a small strip of land was extinguished. By one or two successive treaties small bodies of land were obtained. At the treaty of Fort Jackson, in 1814, when the United States had it fully in her power to have complied with her contract with Georgia, and when the lines of the treaty were marked out with the point of the sword, a large extent of territory was obtained, lying in the State of Alabama, and the Indians driven in upon Georgia. In 1817, a treaty was made with the Cherokees; by one section of which, the title to all their land would have been gradually extinguished, and we should long since have been in possession of the whole. But, in 1819, another treaty was made with them, and that article of the treaty of 1817 rescinded. And ever since that time, to all propositions made by the United States for cessions of land, we have received the short and emphatic "no" as an answer. When the Cherokees were about to form an independent government within her limits, "*imperium in imperio,*" Georgia called on the United States to prevent them, and she was informed that the United States could not interfere. I will not go through the long lists of resolutions, protests, and remonstrances, made by Georgia upon her Indian relations to this Government, and which were almost entirely disregarded. Finding the United States would not interpose to prevent the Cherokees, Georgia determined to do so herself. This was not an act of choice, but of necessity. And she did interpose, and that effectually: she extended her laws over all that country, and surveyed and distributed the unoccupied lands among her citizens. Gentlemen may suppose that Georgia is peculiarly and largely interested in the passage of this bill. They are mistaken: she has taken her course, and she will pursue it, regardless of the monitions, citations, and judgments, of the Supreme Court. She never will submit the decision of her sovereign rights to that tribunal. The Cherokees must either remove or come under the jurisdiction of the laws of Georgia. If they have become so highly civilized as some have supposed, this cannot be considered a hardship. If those laws are unsuited and oppressive to them, let them not blame Georgia, but those false friends and pseudo philanthropists who have precipitated them into this disastrous and calamitous situation.

Mr. **ASHLEY** was opposed to the general principles of the bill, and said, at the proper time, he should also propose some amendments. His principal objection was that it was contrary to the spirit of the laws made by the Indians themselves. There was scarce an instance in which laws were made for them by us with which they were not dissatisfied. The only way, in his opinion, to civilize the Indians, was to surround them with civilization. He was in favor of giving a certain portion of land to each, limiting them to a certain territory, and leaving them to make their own laws and regulations. He was quite sure that the governor would become a despot, at least in the opinion of the Indians themselves. He put the case of murder. If an Indian were to be executed by the order of the governor, under our laws, it would excite general dissatisfaction among them; but if left to themselves they would do justice with alacrity.

One great object of the bill was to relieve the State of Georgia of the Cherokees; but that very act would burden the Territory of Arkansas, and the borders of other States, to the same extent.

The amendment was agreed to, without a division.

On motion of Mr. **GILMER**, the following lines in the second section were stricken out, "and that the rights of such Indians, or tribes, shall not be impaired by their being at any time formed into a Territory, or one of the United States."

Mr. **FILLMORE** wished to provide for the removal to the Territory of such parts of tribes, or individuals, as might choose to go; and, on his motion, the words "and Indians" were added after the words "various Indian tribes."

Mr. **BATES** moved to amend the bill by striking out these words from the second section: "and the faith of the United States is hereby pledged." He remarked that these words were either without meaning in the bill, or they involved a bitter and biting sarcasm.

The motion was agreed to.

Mr. **GILMER** said the adoption of this measure was to depend upon the consent of the Indians, but the bill, as it stood, made it the duty of the President to appoint a governor, &c.; and he therefore moved an amendment providing that the President should act upon a ratification from the Indians, that they had agreed to form the confederacy herein provided for; which motion was agreed to.

Mr. **ADAMS**, of Massachusetts, moved to strike out the second section; which was negatived.

Mr. **VINTON** said the bill provided that the council should make the laws of the Territory; and this council was to be composed of chiefs only, who were to be appointed for an indefinite term of time, and of course for life. Whether elected by the respective tribes, or selected from the existing chiefs, they were to retain their rank for life. He should move an amendment extending the number of persons eligible, and limiting the term for which they should serve in the council. In the same section, relating to the council, there was no provision requiring a journal of their proceedings to be kept, nor stating whether a quorum or less number should be competent to the transaction of business. The government was made an oligarchy in the outset. The laws were subject to the veto—of whom, sir? of a man responsible to the Indians? No; they were subject to the veto of a governor appointed by the President of the United States, or were to have no force or effect until they received his sanction. The council were to be paid by this officer of the United States, and were to be subject to his will, passing no laws of which he did not approve.

He should propose that a journal of the proceedings of the council should be kept and transmitted to both Houses of Congress, and that the laws should be subject to the revision of Congress. This, he said, would open a way for the representation of the Territory, in Congress, by a delegate. He wished to hold out a powerful stimulus to the Indians to cultivate the soil and engage in the pursuits of civilized life, and, therefore, objected to the proposed mode of electing and selecting the members of the council. By confining the appointment of members to those who pursued the occupations of civilized life, he thought an inducement to civilization would be held out to the Indians.

Mr. V. moved an amendment to the 7th section, the object of which was to confine the appointment of members of the council to the existing chiefs, and to those who were engaged in the cultivation of the soil or in some of the occupations of civilized life, and to limit their term of service to two years.

Mr. **H. EVERETT** thought it better, he said, to leave it to the Indians to select such persons as they thought proper, and moved to amend the amendment by striking out the first clause.

Mr. **ASHLEY** was opposed, he said, to the amendment, and to the 7th section of the bill also. The Indians ought to make their own selections entirely. They had their orators, the men who were appointed to speak, and these frequently were not chiefs.

Mr. VINTON said, if the object of the bill was not to civilize the Indians, it ought not to pass, in any form. If there was any stimulus to the pursuits of civilization so powerful as the distinction, in public honors, which he had proposed in the amendment, he knew not what it was. He had carefully looked over the bill, and had not found in it one single provision which tended to the promotion of civilization, except the appeal to brute force—and there was enough of that.

Mr. H. EVERETT said, if the object of the mover of the amendment had been to render the measure so odious to the Indians that they would refuse to agree to it, he could have moved no provision that was better calculated to effect that object.

Mr. SEVIER said he had lived the greater part of his life in a frontier country, and had been much among the Indians, and was acquainted with their habits. It was usual with them to cultivate the soil in common. Sometimes a hundred persons were concerned in the same fields, and drew from the same corn crib; and it would be difficult to tell who among the number were cultivators of the soil. In the Choctaw tribe there were but three chiefs, and but two of these could write, read, or speak, one word of English; but there were many individuals of the several tribes, and especially since the establishment of the Choctaw Academy in Kentucky, who were as intelligent as nine tenths of the members of this House. He was clearly of opinion that the selection of members of the council should be left to the unrestrained choice of the Indians.

The amendment to the amendment was agreed to.

The question then being on the amendment as amended, limiting the term of service to two years.

Mr. GARLAND opposed it. The chiefs, he said, were hereditary, or chosen, and they had a right to sit in council. If they were excluded from it, the bill would be defeated entirely. Those who were excluded, being men of influence in the tribes, would defeat the object of the measure entirely. It would be better to leave it to the Indians to choose their orators and chiefs according to their custom.

Mr. JONES, of Georgia, was in favor of the limitation.

Mr. H. EVERETT said he would assent to it.

The amendment, as amended, was then agreed to.

Mr. BATES moved an amendment to the seventh section, providing that the elections by the several tribes should be from the tribe at large; which was agreed to.

Mr. VINTON moved further to amend the 7th section, by inserting a provision requiring that a journal of the proceedings of the council should be kept, and transmitted to each House of Congress, and that the laws should be subject to be annulled by Congress.

Mr. GARLAND moved to amend the amendment, by striking out the last clause, providing that the laws might be annulled by Congress.

Mr. LOVE said we were not legislating for a civilized state, but only fixing a basis for future civilization. The proposition of the gentleman from Ohio would throw the whole scheme into inextricable confusion. The object which the committee had in view from the commencement, was, without interfering with the internal concerns of the Indians, to give them a territory, and the facilities for civilized life, and to leave it to time to perfect the system. To submit their laws to the proposed inspection would only be an embarrassment to the scheme.

Mr. H. EVERETT remarked that the only object in giving to the governor a veto on the proceedings of the council was to prevent them from passing any law which would involve the peace of the confederation.

The amendment to the amendment was agreed to, and the amendment, as amended, rejected.

Some further unimportant amendments were adopted; when

Mr. ALLEN, of Ohio, commenced a speech in general opposition to the bill; but was arrested in his remarks on a point of order by the Chair.

Mr. DICKERSON moved to strike out the clause in the 11th section, which provides that "it shall be competent for the said confederated tribes to elect, in such manner as the general council may prescribe, a delegate to the Congress of the United States, who shall have the same powers, privileges, and compensation, as are possessed by the delegates of the respective Territories."

At the suggestion of Mr. MERCER,

Mr. DICKINSON modified his proposition, and moved to amend the above clause, so as to provide for the election of an agent from the Territory to Congress, to remain at the seat of Government during the session, receiving the compensation of a member of Congress.

Here Mr. MINER moved an adjournment, which was agreed to; and

The House adjourned.

Monday February 23.

VERMONT RESOLUTIONS.

The House resumed the consideration of the motion to print the resolutions of the Legislature of Vermont in relation to the public lands, the removal of the public deposites from the Bank of the United States, and a national bank.

Mr. SLADE said that, when the motion was before the House on a former day, it was opposed by gentlemen from New York [Messrs. Beardsley and Turrill,] on the ground that the proceedings of the Legislature of Vermont, to which it related, were disrespectful to the House. He now rose to call upon those gentleman to say in what respect, either in their matter or their manner, those proceedings were justly exposed to so grave a charge. He made this call the more earnestly, because if, upon the urging such an objection, distinctly and prominently in the debate, the printing should be refused, it would go forth to the world as a solemn decision of the House, that the proceedings of the Legislature of the State of Vermont were of a character which forbade the House, out of respect to itself, to place them upon its printed records. He therefore repeated the inquiry, and called upon the gentlemen from New York for a distinct and unequivocal answer.

Mr. BOON moved to lay the motion to print on the table.

Mr. H. EVERETT asked the yeas and nays on the motion; which were ordered.

The question being taken, the motion to lay on the table was negatived: Yeas 33, nays 138.

After some remarks from Mr. HALL, of North Carolina, in explanation of his vote which he changed, by consent, to the negative,

Mr. SLADE rose to repeat the question which he had before put to the gentlemen from New York who had opposed the printing of the proceedings in question, on the ground that they were disrespectful to the House. It was an inquiry, he said, which he felt it his duty to press with an emphasis which should cause it to be understood and felt.

Mr. S. said he would say a few words in reply to the argument against the printing, drawn from the fact that the papers were not addressed to the House. It was, indeed, true that they were not addressed, in from, to the House, but closed with a simple resolution of instruction to the Senators, and recommendation to the Representatives, from Vermont, in regard to the votes they should give, and the influence they should endeavor to exert in connexion with the subjects embraced in the report of the committee which preceded the resolution. But it was to be remembered, said Mr. S., that this resolution was the solemn act of one of the sovereign States of this Union; that it expressed the sentiments of the Legislature of that State upon subjects of great public interest, embraced within the proper scope of the legislation of Congress. It would not be denied that a State may properly express its opinions upon these subjects; and he, Mr. S., contended that it was due to the States, in their character of members of this great confederacy, that, without the intervention of any formalities of address, they should be heard here, whenever their Representatives should think proper to present their proceedings, connected with subjects of national legislation.

Mr. S. said he had been no great stickler for "State rights;" but he believed the time had come when the subject of State rights should be better understood, and, in their just, and fair, and undeniable extent, guarded from invasion. The history of this Government, for the last few years, admonished of dangers which the most moderate advocate of State rights could not contemplate without alarm. He need not particularize, but he would say that, if all the powers claimed by either branch of this Government were to be exercised and submitted to, it would be idle to talk any longer of State rights. He felt no disposition to go into this subject at this time; and had alluded to it only for the purpose of saying that he should feel compelled to regard it as no equivocal indication of a determination to prostrate the States at the foot of federal power, and degrade them from their just relations to this Government, to deny to their proceedings the respect which it was now sought to extend to those of the State of Vermont, and especially to brand, as disrespectful to this House, an assertion, by the Legislature of a State, that the President has exercised powers and claimed prerogatives not granted to him by the constitution and laws of the country.

The State of Vermont, said Mr. S., having distinctly and unequivocally, yet in terms evincing a just respect both for herself and the Chief Magistrate of the country, expressed her opinions, I ask, as one of her Representatives on this floor, that those opinions, as imbodied in the proceedings of her Legislature, now on your table, be printed, to the end that they may go down to future time in testimony of her decision upon matters of the deepest interest, not only to herself, but to all the States which compose this confederacy.

After a word from Mr. H. EVERETT,

Mr. BOON explained that he had not made the motion to lay on the table from any feeling of disrespect to the Legislature of Vermont, or to the gentleman who presented the resolutions. His only object was to prevent the further discussion of the subject at this late period of the session, when the time of the House was so precious. As the resolutions had been received by the House, they might be referred to a committee, and acted upon without printing.

The question being taken, the motion to print was agreed to: Yeas 159, nays 32.

ABOLITION OF SLAVERY.

Mr. SLADE presented a memorial of sundry inhabitants of the county of Addison, in the State of Vermont, praying for the abolition of slavery and the slave trade in the District of Columbia.

Mr. S. said that the memorial which he had the honor to present was signed by three hundred and seventy-five females, a large portion of whom were of that portion of the community usually called Quakers, or, as they generally preferred to denominate themselves, and were with peculiar propriety designated, Friends; friends, he would take leave to say, in the best sense, not only of the African race, in whose behalf they plead, but of the preservation and perpetuity of the republican institutions of the country.

[The Speaker here interposed, and admonished Mr. S. that it was not in order, on presenting the memorial, to go into a discussion of the subject-matter of it.]

Mr. S. resumed, and said that he was aware of the rule which restricted debate on this occasion, but he was not aware that he had furnished any ground for supposing that he was about to violate the rule, which he need not assure the Chair he did not intend to do. But he had felt bound to state at least the character of the memorialists, which it gave him pleasure to do, as that character alone furnished a guarantee that nothing would be asked to which the most intelligent and enlightened friend of the country could deny at least a candid and respectful hearing. He would only add that the prayer of this memorial met his hearty concurrence. He should feel bound to move that it be printed, but for the vote of last Monday upon a similar motion, which admonished him that it would be useless to press such a motion at this time. He would ask, however, what could not be denied, that the memorial be read and laid upon the table; which was done accordingly.

Mr. JACKSON, of Massachusetts, having presented several memorials to the same effect, said he felt it to be incumbent upon him, in offering these petitions, as the representative of a part of these petitioners, to accompany their presentation with a very few remarks.

One of them bore the signatures, as he was informed, (he had not counted them,) of three thousand one hundred and six ladies; and the other of nearly the same number of gentlemen. They were residents of some twelve or fifteen, possibly twenty, of the three hundred towns in Massachusetts, principally in the vicinity of Boston. So far as he was acquainted with the gentlemen, (and with some of them he was intimately so,) they are men who intend to make, and who do make, moral principle their rule of action. Men of intelligence, integrity, and liberality; who command respect and influence wherever they are known. They disclaim all interference, or disposition to interfere, with the rights of property in slaves, or control over the slave question, within the jurisdiction of the slave-holding States. They believe that slavery within the District of Columbia is productive of much physical, moral, and political evil; that Congress, having the constitutional right to exercise exclusive legislation in all cases whatsoever over the District of Columbia, is bound to correct these evils; and that, until they are corrected, the nation, the whole nation, is responsible for them. And so long as these injuries and evils continue to be inflicted by and through the instrumentality of laws sanctioned by Congress, or in consequence of the refusal of Congress to legislate, they feel it to be not only their indisputable right to petition, memorialize, and remonstrate, in favor of the oppressed, but that they are morally bound to do so.

The principal object, however, to which these petitioners now direct the attention of Congress, is the slave trade, as now carried on within the limits of this District; and the laws of the District which encourage, support, and aggravate, this enormous evil.

They believe that there is no practice existing among the human family so productive of mental degradation and crime as the slave trade. They are induced to believe this, not only by the well-authenticated facts and details of this infamous traffic, which are coming to their knowledge every year and every month, but they know that their laws condemn it as such; that the laws of almost every civilized nation on earth placed this among the blackest of crimes, and inflict upon those who engage in it the highest and heaviest penalties known to any law. They can discover no difference in the moral character of the slave trade, as carried on from the shores of Africa, and from this District. They say that, not only slaves are here bought, and sold, and shipped, to the deadly climate of the far South, where hardship and premature death awaits, and almost inevitably overtakes them, but, like the African trade, it involves freemen in the same calamity; with this difference, that, while in Africa the freeman is seized, borne off by force, and stolen in violation of all law, here it can be lawfully done.

[Mr. J. was here called to order; the discussion of the merits of the question at this time not being admissible by the rules of the House.]

Mr. J. said it was with extreme reluctance that he at any time, or under any circumstances, intruded his remarks upon the House; and he certainly would not intentionally transgress any of its rules when he did attempt to speak. He would, therefore, in order to bring the few remarks he was desirous of making within the rules of the House, move that the petition lie upon the table, and be printed; and begged the indulgence of the House to a very few words in support of that motion.

He believed that the course pursued by the House in relation to similar petitions had been the most unwise that could have been adopted. The House had doubtless been induced to pursue it under a belief that but very few individuals in any part of the Union had adopted the sentiments of these petitioners in relation to the slave trade within the District. And it seemed to him due to the gentleman from Virginia [Mr. WISE] that he should be told that these opinions were not confined to a "few Garrisonites." Garrison's name he (Mr. J.) had not found upon these petitions, nor had he any reason for believing that they had been gotten up through his instrumentality or influence. Gentlemen deceive themselves if they suppose this to be the fact. This feeling of indignant opposition is confined to no particular class or section in New England, but is deeply planted in the moral sensibilities of the good, and the intelligent, wherever the laws of the District, and the practices under them, are known; and, he would add, this House has done vastly more than Garrison to bring it out, and bring it into action, by throwing these petitions silently, unheard, and unprinted, upon the table, or committing them to the Committee on the District of Columbia, only to be thrown under theirs.

[Mr. J. was again called to order, and informed that his remarks must be exclusively applied to printing.]

Mr. J. then said, as it seemed not to be consistent with the rules of the House to submit the remarks he was desirous of offering, he would withdraw his motion to print; and, notwithstanding, under ordinary circumstances, at an early period of the session, he should consider a motion to lay these petitions on the table the most injudicious and improper course that could be adopted, considering that the short remaining period of the session made it impossible to act upon them, he would move to lay them upon the table.

IMPROVEMENT OF THE WABASH.

Mr. HANNEGAN, on leave, presented the following resolution:

Resolved, That the bill from the Senate, No. 54, being an act to improve the navigation of the river Wabash, be made the special order of the day for Thursday next, the 26th instant.

Mr. H. remarked, on introducing this resolution, that his object in asking the House to make this bill the special order of the day for a day certian, was the perfection of the bill itself, so as to ensure its success, should the House feel inclined, as he hoped it did, to pass the bill. As the matter now stood, it was imperfect, and he wished, before the measure was finally acted on, to propose an amendment, by inserting a provision for a port of entry—a provision necessary to the final success of the object contemplated by the bill. He did not wish to excite debate at this time; but, when the bill came up, he should so move to amend it, and an opportunity would then be given for any discussion that might be considered necessary. Should the House adopt the resolution, he would, on Thursday morning, move a suspension of all the previous special orders, for the purpose of considering this bill.

Mr. McCARTY was in favor of the resolution. The bill was one of the utmost importance to a large portion of the citizens of Indiana.

Mr. MERCER suggested that the resolution be modified by adding, after the word "Wabash," "and such other bills as relate to roads and canals, and surveys thereon."

Mr. HANNEGAN accepted the modification; when, after a short explanatory conversation between Messrs. HANNEGAN, MERCER, EVANS, McKENNAN, and SUTHERLAND, the resolution was rejected.

Mr. HUBBARD moved to suspend the rules for the purpose of going into committee upon several appropriation bills which he named.

Various other bills were named by different individuals, which they desired to include in the motion.

Mr. HUBBARD varied his motion so as to suspend the rule generally, for the purpose of going into committee, without designating any particular bill or bills; which was agreed to: Yeas 120, nays 38.

HARBOR BILL.

The House then, on motion of Mr. HUBBARD, resolved itself into a Committee of the Whole on the state of the Union, (Mr. McKENNAN in the chair.)

On motion of Mr. HUBBARD, the committee took up the bill No. 648; a bill making additional appropriations for the Delaware breakwater, for certain harbors, and removing obstructions in and at the mouths of certain rivers, for the year 1835.

The bill was read through by the Clerk.

Mr. HUBBARD proposed an additional appropriation for the pier or breakwater in Dunkirk harbor, New York, $9,570 16; and also a further appropriation for filling up three hundred and fifty yards, with stone, of the outer pier on the said breakwater. Agreed to.

Mr. H. also proposed a proviso to the bill, giving the direction of these expenditures to the War Department, &c. Agreed to.

Mr. VINTON then proposed an appropriation of $50,000 for the improvement of the Ohio river between Pittsburg and the falls, to be expended under the direction of the War Department, and explained the necessity that called for the appropriation, for the removal of certain bars on the river which obstructed its navigation.

Mr. HAWES opposed the amendment, as altogether unnecessary. He was convinced that, as soon as one bar was removed, the same causes which had made it, would make it in some other part of the river; and in this way they might go on and expend the whole treasury of the country, and then effect no good.

Mr. HUBBARD said the committee had had the matter under consideration, and had not deemed it necessary to report in its favor.

Mr. DENNY was in favor of the amendment, and denied that if one bar was removed another would take place; at least it would not generally be the case. He hoped the Committee of the Whole House would not reject the appropriation because the Committee of Ways and Means had not entertained it.

Mr. CHAMBERS said this was an appropriation in which the whole West was concerned, and ought to be deemed a national work, and to be treated as such by that House. It extended over hundreds of miles, and accommodated the interest of millions. It facilitated the great chain of communication between the East and the West, which would be imperfect without the improvement of the stream from Pittsburg to the Falls of the Ohio.

Mr. LYTLE argued in favor of the appropriation, with considerable energy, in reply to Mr. Hawes. It was recommended by the appropriate committee—the Committee on Roads and Canals—and it was grounded upon the report of a gentleman (Captain Shreve) in whom the whole country had confidence.

Mr. HARDIN gave an explanation relative to the effect produced by removing the bars; which, he contended, was generally productive of more harm than good. If he thought otherwise, he should cheerfully vote for the item; but his present convictions would lead him to oppose it.

Mr. DICKINSON addressed the Chair as follows:

I did not intend, Mr. Chairman, (said Mr. D.,) to have said one word upon the subject of this bill, but since it has been under discussion, the principle and object of it appears to me so enormous and so iniquitous, in some sense, that I feel it to be a duty I owe to my constituents, not only to oppose it, but, as far as I am able, to expose its injustice and impolicy. Here is a bill appropriating $500,000 of the public treasure, which comes from the Committee of Ways and Means as one of the standing annual appropriation bills. It professes to be for the completion of certain works, already begun, and, therefore, holds out to the community the deceitful hope that there will be some end to this branch of public expenditure, and of this system of internal improvement. How long are we, how long are the public, to be abused by such empty and unmeaning professions? Have not many of these works been just being finished ever since the oldest member of the House had a seat upon this floor? Why, sir, it takes more thousands to put the finishing stroke to some of these works, each year, than the entire original cost of some of them, according to the estimates furnished this House, and upon which they were originally sanctioned by Congress. It is clear, now, that these works never will be finished, until Congress shall cease to give any more money to be wasted upon them. The districts in which these moneys are annually expended must continue to have an expenditure of public money, or they will feel the want of it; and hence it is that these works are never to be completed. If it becomes too palpable, that, with no plausibility, could Congress be called upon for more money to complete works already begun, some new work or some addition to the old ones would soon be invented, which would be said to be indispensable to preserve or give efficiency to the old. Sir, it is not so much the work, in many cases, as it is the money which is so much sought after. The habit of getting annual appropriations from Congress in certain sections of the Union is so inveterate, that the evils of discontinuing or breaking it off would be felt as a grievance, and would, no doubt, be as much complained of as if some branch of trade or commerce which they had long enjoyed were suddenly taken away from them. This is one of the great evils of this system of improvement by this Government. It corrupts the people and begets a dependence upon the Government, in particular districts, which may become dangerous to a free expression of opinion upon other important subjects, and, of course, dangerous to our liberties.

But there is one singular feature in the nature of bills of this kind; the larger they are, or the more money they appropriate, the more certain are they to get through this House. This is a seeming paradox; at least, we know that it is one of our most important duties to guard the public treasury, and to maintain the simplicity and economy of the Government. To say that the larger the sums which are proposed to be voted away, the greater is the probability that they will pass the House, seems to be a perversion of every thing that is proper, safe, and wise in our conduct; but still, such is the fact, extraordinary at first view as it may appear; but it is not extraordinary when we look at the operation of the system of improvement, or rather this want of system. Have we forgotten in what manner the bill of the same kind, of the last session, was killed, by being laid upon the table by a large vote of this House, and then, how miraculously it was raised from the dead, on the next day? Does not every one know the nature of the combinations which must have been entered into, the preceding night, in order to effect that object. As long as there shall be no regular plan of securing to all sections of the Union their equal proportion of the public expenditures for objects of this kind, those sections which are unprovided for will oppose all appropriations of the kind: and, in order to carry through such a measure, you must include in it objects enough, and money enough, to interest the majority of the districts represented in this House; otherwise, there will always be danger that it will not carry. If there shall be no work actually demanded by the situation and wants of a sufficient number of districts, you must invent some want of the kind, and then vote money to relieve it, in order to get those along which there is a real occasion for. Thus it is that a bill appropriating a million of money for objects of this kind is more likely to pass this House than one for half that amount; and thus, the proposition first stated is not a paradox at all.

But what right have the inhabitants of the districts to which the half million contained in this bill is appropriated, to have their internal landings or lake harbors, their small rivers and creeks, improved at the public expense, any more than the people of the interior States of Tennessee and Kentucky have to call upon the Government to make their roads, or to clear out their creeks and rivers? The one improvement promotes the convenience of the country as much as the other. One of those harbors, or one of those creeks, in New York, upon which tens of thousands are expended, undoubtedly add much to the commercial convenience and advantages of its immediate neighborhood; but there is no one of them which is of general utility, and they have no better claim to nationality than the Maysville road itself, nor even as much as that road, in my opinion, though I consider the veto of the President upon the bill appropriating the money of the United States to that work as one of the most important and praiseworthy acts of his administration. Sir, it is not enough to say, in answer to this argument, that the one set of improvements belongs to our foreign commerce, and the other to our internal commerce. What advantage ought the one to have over the other, in the attention and patronage of the Government? Is not our internal trade the foundation and support of our foreign trade? Can the one flourish without the other? Why, then, should millions upon millions be applied to the improvement of the natural, and in some instances to the construction of artificial, outlets on the northern border of the United States, or upon the Atlantic coast, for the benefit of the inhabitants of those sections only, while you refuse to give one cent to improve or to create channels of commercial intercourse among the inhabitants of the interior, and in parts remote from market? If the public money is to be applied at all, why not apply it to those sections which have no means of getting to market except at such labor, and over such rugged, deep, and almost impassable roads, as to sink nearly the whole value of the article in the cost of transportation? Is there any justice in this system? Is there any equality? Do not say that Congress has power in one case, and not in the other; and thus attempt to mantle over the unjust conduct of this House, by charging a defect of constitutional provision. It is true that the constitution gives us the power to regulate foreign commerce; and I know that it is under this provision of the constitution that gentlemen say they are authorized to pass such a bill as this. But have gentlemen forgotten that Congress is also authorized, in the same clause, to regulate commerce between the several States? No, sir, this is not the true ground of the distinction. The sections where these moneys are expended have got the advantage in the established habit of receiving appropriations of this kind, and they are disposed to keep it. There was some more plausibility in the argument in their favor; there was an idea that what concerned foreign trade, and the places visited by foreign traders, was of more general interest to the country, and of less proportional interest to the districts in which they were situated, than any work in the interior of the country. Appropriations were commenced for them without much examination; and since the principle has begun, and although the reason for the preference originally given to them is admitted no longer to be solid, it is almost impossible to withhold the annual allowances. I do not blame the individual members who support this bill, as unjust and unnecessary as I think it is, so much as I do the system itself. From the very nature of its operation, no man can represent the districts in which these works are situated, unless he will vote to carry them on, nor can any man, in whose district the bait is held out, refuse to take it. Honorable members are thus compelled to give their support to a bill appropriating a million of the public treasure, because some ten or twenty thousand dollars have been artfully set down to the improvement of some harbor, river, or creek, in his own section of the country. The whole system is radically wrong, corrupting in its tendency, and ought to be abandoned, or established upon such a footing that all sections may partake of its benefits; and all the members of this House vote and act upon the questions arising out of it, independently, and without bias. What, sir, is better calculated to destroy the harmony, to create dissatisfaction, and finally a disposition to break up this Government, than to see, from year to year, millions of the public treasure—a treasure exacted from the hard earnings of the people of every section—expended, and in so many instances uselessly squandered, in some particular and favored sections of the Union, and not one cent given to certain others? How long will this state of things be submitted to? Let gentlemen reflect upon the injustice, let them ponder upon the danger, of such a course.

There is a remarkable feature in the career of some gentlemen of distinction on this floor, in relation to this subject. Always clamorous against such appropriations, and denouncing them as prodigal and unconstitutional; and yet, upon almost every other question, these gentlemen act in the strictest ties of political interest and sympathy, with that very class of members by whose votes the balance is always cast in favor of this system. How gentlemen can reconcile this course to themselves, I cannot tell. For my own part, I have contributed, as far as I have been able, upon every occasion which presented itself, my feeble efforts to keep down the expenditures of this Government, and to maintain a system of economy and simplicity in our whole financial policy. While I have the honor of a seat here I shall continue to do so. A time may come, and I hope may soon come, more propitious to the adjustment of this, as well as other great questions connected with the economical administration of the Government, than the present. I hold that the greatest danger which threatens us is, expensive and extravagant public establishments of every description, profuse and wasteful disbursements of the public revenue, a supernumerary army of public officers and contractors, high salaries, and an unquenchable thirst for office among our public men. When this is the character of the Government, and of the times, let the people look to it; for assuredly there will soon be a rapid and fatal decay of public spirit and public virtue. There will be the grossest corruption in the Government itself, and the practice of venality will be reduced to system, and become interwoven with the entire politics of the country. This danger is enough of itself; but when we consider the sense of injustice which is engendered by this system of internal improvement, in those sections which share no part of the benefits of it, where, from their constitutional opinions, they are prohibited from asking such appropriations, and when this system is such that, where money is never asked, it is never given, we ought to pause, and seriously consider of some plan more equitable in itself. We ought either to abandon it altogether, or introduce into it principles of common and equal justice. What shall it avail us if, after expending some hundreds of millions upon works of internal improvements, we shall have sown the seeds of discord, alienated one half of our country from the other, and when we are fondly dreaming of having perfected the cements of union, we shall find that, by our injustice, we shall have driven one portion of the States into opposition to the other, and that the Union itself cannot longer exist? I hope the bill will not receive the sanction of the committee.

Mr. HUBBARD, of New Hampshire, regretted the gentleman from Tennessee [Mr. DICKINSON] was so much opposed to the bill. In most things he concurred in the views of that gentleman; he had acted with him on most of the great questions which had recently presented themselves, and he hoped the gentleman from Tennessee would not separate himself from his old friends.

Mr. DICKINSON, in reply, said he had with pleasure acted with the gentleman from New Hampshire, [Mr. HUBBARD,] since he had been a member of this House, and he would be pleased to be able to continue to go with him; but if that gentleman and his friends thought proper to give their support to such an unequal and unjust apportionment of the public treasure, and to objects so partially distributed; in other words, if the present system of internal improvement were to be supported by them, he must say that he could no longer act with them.

Mr. STEWART, of Pennsylvania, remarked that he had listened to the eloquent gentleman from Tennessee, as he always did, with pleasure, and he was only sorry that he had taken so incorrect a view of this subject. He was sorry to hear that gentleman avow such opinions, inasmuch as they might be supposed to be those of a party which was forming in this country. If, said Mr. S., this Government is not to have the power to execute works of internal improvement, he did not know of what value it would be. He considered this power as one of the first and best objects of Government.

Mr. DICKINSON replied that he was authorized to speak for no party; what he said was the dictate of his own private judgment, and he could only say that he greatly desired that the doctrines which he advocated might be the doctrines of the party with which he acted.

Mr. POPE made a few remarks in favor of the bill.

Mr. LANE was well acquainted with the Ohio river, but he had no constitutional scruples on the subject; for he would not give a fig for the constitution if the treasury of the nation could not be expended in promoting such works as the present. He explained what was necessary to be done in removing the bars, and denied that they would come up again. The Ohio river was, of all others in the country, the most truly national, and it was the duty of the Government to improve it.

Mr. BOON said that he had lived near the Ohio river upwards of twenty-three years, and within twelve or fifteen miles of three bars, which have presented the greatest obstruction to the passage of flat boats down the river, below the falls, as well as to the passage of steamboats both up and down the river. The circumstances mentioned by the gentleman from Kentucky, [Mr. Hardin,] of a flat bottom boat or two having been injured, perhaps lost, I am not disposed to controvert. This has happened, however, when the river was some two or three feet above low-water mark. The improvement of those bars by wing-dams, is intended to improve the navigation of the river in times of low water. This, sir, I know has been done at the Scuffletown bar, as also the French Island bar; and at the bar above the mouth of Green river, the improvement at it is in a state of progress, which bids fair to result in a successful improvement of the navigation of the river at that place.

My residence near the bars which I have mentioned has given me an opportunity of knowing something of the effect which has been produced by the improvement of the navigation of the river at those points, by wing-dams. Before the improvement which has been made, I have known from twelve to fifteen steamboats, at one time, to be obstructed in their passage over those bars, to say nothing of the great number of flat boats that were obstructed in their passage down the river, before the erection of wing-dams at those bars. But now that those improvements had been made, and their utility tested, I am enabled to state that steamboats of middle size can and do pass over the Scuffletown bar at the lowest stage of water, thereby extending active facilities to the commerce carried on upon that river. I have thought it my duty to say thus much in relation to what has come under my own observation.

Mr. EWING maintained that it was not the West alone that was interested in this improvement, but the South was equally so, and every section of the Union was more or less so. It was, in his opinion, a perversion of the constitution to oppose the appropriation of the people's money for the people's good. Mr. E. proposed to amend the amendment by inserting, at the end of it, "for improving the river Wabash, $25,000."

Mr. HUBBARD submitted whether the amendment was in order, a bill having been reported providing for the same object.

Mr. EWING said the bill was not the same as his amendment, for it provided for a different amount, $20,000.

The **CHAIR** decided the amendment out of order, on the grounds set forth by Mr. Hubbard.

Mr. STEWART, of Pennsylvania, produced a letter from Captain Shreve, covering a statement of the expenses of the proposed improvement, with his opinion of its propriety and expediency, &c., which was read by the Clerk, and Mr. S. supported the amendment at some length.

Mr. CHILTON hoped the discussion would be brought to an end; for this question had been argued so frequently, from session to session, that all must be well versed in it.

Mr. BURD hoped the House would not draw an invidious distinction, by rejecting so small an appropriation for this part of the Ohio river, while so many hundreds of thousands were expended elsewhere. He believed the object within the intent and meaning of the constitution; for the means of the country could be devoted to no object more national than that of improving its rivers, which were the veins and arteries of the country.

Mr. HAWES gave an explanation with reference to his votes at the last session. He added that the communication of the engineer confirmed him in his opinion that the appropriation was unnecessary, and if made would be endless. If $20,000 were expended, it would necessarily involve an expenditure of $40,000; and as soon as $40,000 were expended, $80,000 more would be required; and so it would go on. He believed more harm than good would ensue, and he would never give his vote for destroying the navigation of this beautiful river.

Mr. LYTLE again addressed the committee in favor of the amendment, and maintained that its character was peculiarly national, and was scarcely equalled in point of importance. If, however, the issue was to be made of opposing all appropriations for improvements in the West, Mr. L. should oppose equally those in other sections of the country, which were not more national than the one now under consideration.

Mr. WHITTLESEY, of Ohio, said a few words on the same subject.

Mr. HARDIN was as solicitous as any gentleman could be for the improvement of the Ohio river, provided it was productive of benefit; but he was still convinced that the removal of the bars would do, as it had done heretofore, harm. When one bar was removed, generally a worse one was formed instead of it. Mr. H. contended that the West had no right to complain. By the compact, three per cent. of the produce of the public lands in Indiana, Ohio, and Illinois, were to be expended in internal improvements; but if the whole of the lands within the triangle formed by those three States were sold at the full price of a dollar and a quarter an acre, it would barely make one third of the amount already expended there upon the Cumberland road. Mr. H. entered into an explanation with reference to his course on the Portland and Louisville canal. He had voted to take up the subject, but he explained the difficulties he was under, whether he should vote for it or not, to one of his colleagues, and had he been present when the vote was taken, he intended to have asked leave to be excused from voting.

Mr. JOHNSON, of Louisiana, referred to a survey made for the improvement of the mouth of the Mississippi, and thought the amount contemplated in the amendment might with more propriety be devoted to this subject.

Mr. VINTON desired the Clerk to read the concluding part of Captain Shreve's letter, to show the importance of the improvement.

Mr. HUBBARD little thought the bill would have brought up such a discussion. He would appeal to the gentleman from Tennessee himself [Mr. Dickinson] to say if there was any thing constitutionally objectionable in it. Of the three hundred thousand dollars appropriated in the bill, sixty thousand were for western harbors; and the amount for new entries did not exceed twenty thousand. It, moreover, contained already $50,000 for the Ohio, Mississippi, and Missouri. It had been argued in favor of the amendment, that the Committee on Roads and Canals were for it: why, then, had they not reported a bill for the purpose? The Committee of Ways and Means could not be expected to do it. He denied that the bill was exclusively for the benefit of the seaboard; for it only appropriated $17,000 for New England. He hoped the bill would be reported as it stood.

Mr. DICKINSON, of Tennessee, again reiterated his objections to the bill.

Mr. SUTHERLAND rose to urge the friends of the bill not to debate it, but to act, if they did not wish to kill it. He referred to several bills which he was desirous of bringing before the committee, involving no constitutional difficulties.

The question was then taken, and the amendment was agreed to: Yeas 72, nays 54.

Mr. **BARBER** moved an amendment appropriating $25,000 for removing obstructions in the Thames river, Connecticut. Negatived.

Mr. **PARKER** proposed an amendment appropriating for the protection and securing Flat Beach, alias Tucker's Island, Little Egg Harbor, New Jersey, $5,695 40, and sent to the Clerk's table a report of the engineer thereon.

Mr. **SUTHERLAND** objected to the amendment, on the principle that it was for a new work, and was now before the Committee on Commerce, to whom it had been referred by a resolution introduced by the gentleman from New Jersey himself.

The amendment was rejected.

Mr. **BEATY** moved an item of $25,000, for improving the navigation of the Cumberland river.

Mr. B. made a brief explanation in favor of the proposed appropriation, and said that he had been informed at the War Department, that the report of the engineer on the subject would be sent to the House to-morrow. The vicinity of the river contained bituminous coal, iron, copperas, and other ore, sufficient to supply the whole continent, all of which were now lying useless for want of improving the navigation of the Cumberland river.

The amendment was rejected: Ayes 49, noes not counted.

Mr. **WATMOUGH** proposed an item of $7,000, to remove the bar at the mouth of the Schuylkill.

Mr. **POPE** asked if there had been any survey.

Mr. **WATMOUGH** replied in the negative.

Mr. **SUTHERLAND** said, some four or five years ago, he had attempted to get a survey made for this very object; and the committee to which Mr. S. belonged intended to report a bill for that purpose.

Mr. **WATMOUGH** asked if the gentleman was opposed to the amendment; as Mr. W. wished that fact should be known elsewhere as well as in that House.

Mr. **SUTHERLAND** again explained. The subject was under consideration by the committee of which Mr. S. was a member, and would be reported upon in the present session.

The amendment was rejected, without a division.

Mr. **MERCER** moved an item for defraying the expense of surveys, pursuant to the act of 30th April, 1834, $30,000. Negatived: Ayes 65, noes 71.

Mr. **HAWES** proposed an amendment for the improvement of Green river, Kentucky, $25,000.

Mr. **TRUMBULL** moved an item of $25,000, for improvements at the mouth of the Connecticut river.

Mr. **SUTHERLAND** said the subject was embraced in a bill reported from the Committee on Commerce.

The amendment was rejected.

Mr. **LYON** offered an amendment for the improvement of the harbor at the mouth of St. Joseph's river, in the Territory of Michigan, $10,000.

Mr. **HAWES** jocosely asked if the place was in Canada or in the United States.

Mr. **LYON** said the whole section of country in its vicinity was in the United States.

The bill having been gone through with, was now laid aside to be reported to the House.

The committee, on motion of Mr. **MAY**, then took up the bill to establish a surveyor general's office in Illinois.

The blanks in the bill, for salaries, were filled with $1,200 and $1,000, respectively.

Mr. **KINNARD** moved an amendment for a similar office in Indiana, and supported it with earnestness; but it failed.

The bill was then laid aside.

The committee then, on motion of Mr. **POLK**, took up the

INDIAN ANNUITIES BILL,

Which received a few minor amendments, suggested by Mr. **POLK** and Mr. **LOVE**.

Mr. **ASHLEY** moved a general amendment, providing that the annuities should be paid to the chiefs, and, in presence of the agents, should be distributed among the Indians of the respective tribes.

He called for the reading of a memorial from the Fox Indians, remonstrating against the present mode of payment.

Mr. **H. EVERETT** opposed the amendment as unnecessary, the case being provided for by law.

Mr. **ASHLEY** replied, and insisted that this was the only way to secure the Indians in receiving their money, which might else be diverted by the chiefs.

The amendment did not prevail.

The bill having been gone through,

Mr. **CORWIN**, of Ohio, moved to take up the bill for the Cumberland road.

Mr. **LYON** remonstrated, and preferred the bill from the Senate for the same object, because it contained appropriations for certain roads in Michigan.

The committee, however, without taking up either bill, rose and reported to the House the bills which it had disposed of; and, thereupon,

The House adjourned.

Tuesday, February 24.

PUNISHMENT OF CRIME.

Mr. **BEARDSLEY**, from the Committee on the Judiciary, reported the Senate bill amendatory of the acts for the punishment of certain offences against the United States, without amendment; which was read twice, and, after some explanations from Mr. **BEARDSLEY**, Mr. **BINNEY**, and Mr. **FOSTER**, was ordered to a third reading.

Mr. **PHILLIPS** expressed a wish to examine the bill before its final passage, and it was ordered to be read a third time to-morrow.

ORDER OF BUSINESS.

Mr. **CAVE JOHNSON**, from the Committee on Private Land Claims, reported the following resolution:

Resolved, That on Wednesday morning, after reading the journals and receiving reports from committees, this House will appropriate one hour to the consideration of the following bills:

A bill to render permanent the present mode of supplying the army of the United States;

A bill respecting the appointment of three additional paymasters;

A bill respecting the topographical corps; and

A bill respecting the corps of engineers.

Mr. **JOHNSON** explained the object of the resolution, and after some conversation, in which Messrs. **FILLMORE, ASHLEY, E. WHITTLESEY**, and **WHITE**, of Florida, took part, the resolution was agreed to.

FRENCH SPOLIATIONS.

Mr. **CAMBRELENG**, by consent, moved to print three thousand extra copies of the documents prepared by Mr. E. Everett and himself; the one in favor and the other adverse to the bill from the Senate making an appropriation to satisfy the claims of certain American citizens, on account of spoliations committed by the French prior to 1800.

Mr. **CAMBRELENG** moved to suspend the rule requiring the motion to lie over one day; which carried: Yeas 110, nays 38.

The motion to print was then agreed to.

HOUR OF MEETING.

Mr. CONNOR remarked that the House had heretofore determined to hold a session this evening at six o'clock. It was proper that there should be a recess, and he therefore moved that the House should adjourn at four, to meet again at six o'clock, P. M.

Mr. C. P. WHITE moved to amend the motion by proposing a recess from four to six o'clock, P. M. each day, for the remainder of the session; which was disagreed to: Yeas 61, nays not counted.

Mr. MARSHALL proposed a recess from three to five o'clock. Lost, 69 to 72.

Mr. CONNOR'S motion was then agreed to.

Mr. C. P. WHITE called for the orders of the day. Agreed to.

Mr. C. P. WHITE then moved to suspend the rule, for the purpose of going into committee, with the view of considering such bills as might be determined on by the committee; which was agreed to: Yeas 134, nays 29.

LIGHT-BOATS, BEACONS, &c.

The House then, on motion of Mr. C. P. WHITE, resolved itself into a Committee of the Whole on the state of the Union, (Mr. Wardwell in the chair.)

On motion of Mr. SUTHERLAND, the committee took up the bill making appropriations for building light-boats, beacons, and monuments, and placing buoys, for the year 1835.

The bill was taken up by sections.

Mr. SUTHERLAND moved to strike out the item of $400 for the erection of a fog-bell on Cape Elizabeth, Maine. Agreed to.

Mr. SUTHERLAND also moved to insert $1,000 instead of $700, for placing buoys near Lynn, Lobster's rock, Western rocks, Sawyer's river, &c., Massachusetts. Agreed to.

Mr. SUTHERLAND also moved an item of $400, for buoys in New Jersey. Agreed to.

Mr. SUTHERLAND also moved an additional item for placing six buoys on the Potomac river, $250, and a spindle at Potomac creek, $500. Agreed to.

Mr. PINCKNEY moved an amendment of $5,000, for five beacon lights at Charleston harbor, in lieu of the clause appropriating $750 for three buoys in the north channel in said harbor. Agreed to.

Mr. SUTHERLAND moved an additional item of $3,000, for improvements at the mouth of Portland harbor. Agreed to.

Sundry other amendments were also agreed to.

The bill, with amendments, was then ordered to be reported to the House.

SURVEY BILL.

On motion of Mr. HUBBARD, the committee took up the bill making appropriations for certain roads, and for examinations and surveys, for the year 1835.

Mr. CORWIN moved to strike out the clause appropriating $346,086 for the repair of the Cumberland road. Agreed to.

Mr. CORWIN also moved an additional item of $320, for one of the superintendents on the Cumberland road. Agreed to.

Mr. LYON moved an additional clause of $10,000, for certain surveys and improvements in the military road from Mackinaw to Green Bay, &c.

Mr. MERCER opposed the appropriation.

The amendment was rejected. The bill was then laid aside.

MARINE HOSPITALS.

The bill making appropriations for the erection of marine hospitals, in the city of Baltimore and other places, being next taken up,

Mr. McKIM moved an amendment, providing that the site for the hospital at Baltimore be selected by the Secretary of the Treasury; which was agreed to.

Mr. MERCER protested against the policy of multiplying hospitals all over the country, and thereby increasing the patronage of the Executive to an indefinite extent. In England there were, he believed, but two hospitals; one at Chelsea, and another at Greenwich.

Mr. HARDIN said he had seen no estimate of the cost and expenses of these hospitals. One at Louisville, established by the State of Kentucky and individuals, cost forty or fifty thousand dollars, and several thousand dollars a year to maintain it.

Mr. POPE thought this was one of the most exceptionable and extraordinary bills ever brought before the House. He thought it would be better to furnish and support the hospitals already erected, than to erect new ones.

Mr. DENNY advocated the bill, and spoke in favor of the erection of hospitals on the Western waters, where the steamboat travelling, and the danger from cholera, was so great. The captains of the boats were now compelled to set apart a portion of the boat for the sick; for it was impossible to get them suitable accommodations on shore. The time had come, he thought, when it was necessary to make appropriations for hospitals on the Western waters.

Mr. MASON, of Virginia, advocated the principle of the bill generally; and explained, especially, the necessity of the erection of an hospital at City Point, Virginia; the localities of which place he fully explained. He stated that all the other establishments proposed in the bill had been well considered, and were highly necessary. He adverted to a petition from ship-masters and owners, concerned in the coasting trade to Petersburg and Richmond.

Mr. PEARCE, who had reported the bill, replied to the objections of Mr. Mercer: adverted to the fact that the bill had passed at the last session, but had failed in the Senate for want of time. The establishment at Louisville was not strictly a marine hospital, or a pest house, but an establishment for the sick generally. He explained and defended the provision for an hospital in Illinois, to receive the sick hands and passengers landed from steamboats.

Mr. SEVIER advocated the propriety of the proposed hospital at the mouth of the Arkansas river. Persons sick with the cholera and yellow fever were every year landed on the coasts of that Territory, and thrown on the charity of the inhabitants.

Mr. BURGES regretted there was no report to show how the marine hospital fund had been applied. He gave the history of a memorial from Rhode Island for the appropriation of $5,000 for an hospital at Providence, when there was a large surplus fund. The money was appropriated, but the design had failed by the money being improperly withheld. Yet now there was an item for an hospital at Newport, though no petition for such a thing had ever been presented to the House. He complained of such a course, and expressed his desire for a general report from the Committee on Commerce on the need of the different parts of the Union for establishments of this kind.

Mr. LYTLE offered an amendment proposing the application of $10,000 to the increasing of the buildings at the marine hospital at Cincinnati; but it was declared to be, at present, out of order.

Mr. REYNOLDS defended the propriety of the erection of an hospital in Illinois.

Mr. JOHNSON, of Louisiana, supported the item for an hospital at the mouth of the Arkansas river with earnestness, but, as he turned entirely from the reporters, his remarks could not be heard.

Mr. PEARCE replied to the remarks of Mr. Burges, and vindicated himself from the charge of improper management, which seemed implied in what his colleague had said. He went into a history of the Providence memorial, which he said had been suffered to sleep by his colleague, until after the present bill had been reported. The appropriation for Newport did not interfere with the object of his colleague. There had been a surplus at Providence, because but few sailors were there; while at Newport all the fund was exhausted by the perpetual necessities of the sailors of all nations, who came there often while Providence was blockaded by ice. Places where surpluses accumulated were not the places which most needed an hospital. There was no surplus at New York or Norfolk, and all the Southern ports. Hospitals were most needed where there were most sick. Instead of being no memorials, there had been three, at least, in favor of Newport. That being the out-port, and open while Providence was shut by ice, the hospital was most needed there.

Mr. BURGES moved to strike out the enacting clause of the bill, and then replied to Mr. Pearce, and defended his own course in respect to the Providence memorial.

Mr. POPE opposed the erection of an hospital at the mouth of the Ohio, in Illinois, because there was already one at Smithland, only 60 miles above. That at Louisville was strictly and exclusively a marine hospital, and not for general purposes, as had been represented.

Mr. REYNOLDS remarked that he would sustain the bill as far as he was able, and vote for the establishment of several hospitals on the Western waters. He would vote for the hospital at the mouth of the Arkansas, and other places in the West, as well as for those on the Atlantic coast. He said he did not rise so much to make a speech as to make a statement of facts, many of which came under his own observation. He would not occupy a long time of the committee, as the time was important; but the establishment of an hospital at or near the mouth of the Ohio was also of vast importance to the community in general, and to the people in that section of his district in Illinois where it is to be located.

The committee, Mr. Chairman, will, at the first glance, see that the mouth of the Ohio river is a central and important point in the establishment of these hospitals in the West; nevertheless, this would not make him vote against others on the waters of the Mississippi. The mouth of the Ohio river is almost the mid-way between Pittsburg and New Orleans; and the same may be said of it in regard to the extent of the navigation up the Mississippi and Missouri rivers. This point, therefore, may be considered central in the navigation of the whole extended valley of the Mississippi. On an examination of the country, or the maps of the West, it will be seen that all the large tributary streams of the Mississippi converge towards this point, and make it more central for such an institution than any other point west of the Alleghany mountains. These are facts that are before the committee. They cannot be denied, and will, of course, have the proper consideration with the committee. Every member will readily recognise that almost one half of all the States of this confederacy are less or more interested directly in the navigation of these rivers. Some States, and those too the most flourishing, are entirely located at the Western waters; others are partially so, and all are, in proportion to their location and commerce, interested in the trade and business done on these rivers. These commercial transactions increase in proportion to the increase and wealth of the population of the Western country. There is more business done in each succeeding year, than in the previous; and, if he may be allowed to predict, he would say that the business, importance, and prosperity of the valley of the Mississippi, would not be stationary, but increase and prosper, until that valley would present to the world a population of millions of freemen, enjoying more natural advantages, and more happiness, than is allotted to the human family on any other portion of this globe. From these facts, it will be readily perceived that there are at this time, and will increase, a vast number of voyagers or sailors engaged on these waters. This class of the community is not the most wealthy, but they are worthy, and deserve the kind consideration of the Government. It is on them, in a great degree, that depends all this commerce and extensive business. It is on their labor that the prosperity and wealth of the country, in a great measure, must be founded. They are not only often without the means of supporting themselves, but are also in even a worse situation, without friends or relatives; so much so, that it seemed to Mr. R. that the Government was bound to take care of their interest and welfare. But my friend [Mr. Mercer] from Virginia seemed to say, in his remarks, that such provision or hospitals should be made only for the sailors who navigated the main ocean.

Mr. R. observed that the same reason and the same principles of humanity would apply as well to the sailor who became sick navigating the fresh waters, as to him who got sick on the ocean. A sailor who contracted sickness navigating the ocean to London, had no more claim on his country than one navigating the Mississippi river to New Orleans. The humane principles of the members of this committee, Mr. R. hoped, would not be confined to the ocean more than to a river. He was willing to relieve the distressed in all situations, where it was right and proper to do so. His humanity was the same on fresh as on salt water. Mr. R. said he would present to the consideration of the committee another fact, that would show the necessity of the establishment of an hospital at or near the mouth of the Ohio more than any other point in the West. During a certain season of the year, a great number of the largest steamboats, some ten, fifteen, or more, in number, are frequently stationed at this point for some months of the most sickly part of the year. The boats cannot ascend the Ohio river in low water above this point, and the trade in the lower Mississippi is generally suspended for a few weeks or months, and by these means hundreds and hundreds of these sailors will crowd together at this point, without any place in which to accommodate so many, even of the healthy, much less the sick. All that have navigated the river at this season of the year will testify to the fact above stated. They will also testify to the fact, as Mr. R. said he had seen, of the sick being exposed on the shores of the river without any accommodation necessary for them. He said he might be permitted to add, in this place, that the citizens of Illinois in this section of country were not wealthy, and many of them had not the means, although they possessed the good will, to provide the necessaries and comforts suited to the case, often, of malignant disease. There were no people on earth more generous and hospitable than the citizens of Illinois are to the sick and distressed; but good feelings, without the means to carry those kind sentiments into operation, could not relieve the afflicted sailor. In many cases the diseases were contagious. Sailors navigating all parts of the West, and to New Orleans, were always in danger of contracting such contagious and infectious diseases as would forbid the idea of the citizens taking them into their private families. This could not be expected. Every individual would preserve the health of his family at the hazard of every thing else. It is almost useless to remind this committee that the small pox, the cholera, and other diseases of an infectious and contagious character, always prevail the most on those rivers, and with those that navigate them.

These facts being presented to the committee, and this view of the case being also before them, that humanity, which is in the breast of every man, will, he had no doubt, prevail in this case, and influence the committee to sustain in the bill the establishment of an hospital at or near the mouth of the Ohio river. It is so equitable, and so just withal, that he confided in the committee, he said, with that firm reliance which is founded on principle and humanity, that this hospital, with others in the bill, would be sustained. But the gentleman from Kentucky [Mr. Pope] raised objections particularly to the establishment of an hospital at or near the mouth of the Ohio. He said that the State of Kentucky had established one at Smithland, within sixty miles of the mouth of the Ohio; and that he intended, at a proper time, to offer an amendment for an appropriation for the hospital that is already erected at Louisville, Kentucky.

Mr. R. remarked, to these objections, that he was satisfied, from the expressions of the gentleman, [Mr. Pope,] that he entertained no hostility to Mr. R. or to the section of country in which the hospital was to be erected. These considerations, if they existed, would not influence any honorable member from a proper course; but he had no doubt that they did not exist on this occasion. Mr. R. supposed that the gentleman [Mr. Pope] considered it his duty to add to, and build up still more, the splendid and magnificent city of Louisville, and also to accommodate the sick there. Smithland is also, by the gentleman's mode of reasoning, to be crowned with an appropriation of twenty-five thousand dollars for her hospital; and because we, at the mouth of the Ohio, are located within sixty miles of the great city of Smithland, where there is a little State hospital, we must be almost disfranchised, and deprived to a certain extent of the privileges and blessings enjoyed by other sections of the country. The wealth of the State of Kentucky, and particularly the wealth and commercial standing of Louisville, would be a strong argument to convince the committee that at this point the citizens themselves would establish hospitals commensurate to the demand. But, at the mouth of the Ohio, we are not able; we have the good will, but not the ability. The city of Louisville is prospering and healthy. Mr. R. said he was proud of its wealth, prosperity, and splendor; but this wealth was in a great degree made by the labor and sweat of those sailors who navigate the Western waters. And is it not right for some of this wealth to be expended to take care and accommodate the sick, who assisted to make it? Mr. R. observed that it appeared so strange to him to make such objections, that it was difficult to believe the gentleman was in good earnest. We, in Illinois, are proud to be a neighbor to the generous, and, he might add, humane State of Kentucky; but he hoped that our nearness to her would not be turned to our disadvantage, and our hospitality destroyed by it. Our good feelings which we entertain for Kentucky, nor our juxtaposition to her, will never make us desert a high-minded and generous course towards her.

Mr. R. concluded by remarking that, knowing the necessities of the country for an hospital at or near the mouth of the Ohio so well as he did, and knowing that it would be the means of not only relieving the sick and the distressed sailor, but in many instances of preventing the destruction of human life, he did not believe that the humane feelings that existed in the breasts of the members of this committee would allow them to abandon this hospital, and permit the poor and friendless sailor to perish on the shores of our rivers, without such accommodation as Congress can bestow on them without feeling it.

Mr. REED observed that he regretted that the bill before the House, making provision for the erection of several marine hospitals, had not been accompanied with a report. The subject was an important one, and deserved mature consideration. It might not be known to all the members of this House, that every seaman was required by law to pay 20 cents per month ($2 40 per year) into the treasury of the United States, as a fund to support sick and disabled seamen. This sum, for poor men, is a severe tax, and should be expended for their benefit justly and impartially.

I have had the honor, said Mr. R., to present a memorial from the merchants and others of New Bedford, requesting that some provision may be made in their behalf for the support of sick and disabled seamen. I perceive no provision in the bill on their behalf. It should be remembered that there are but three or four cities in the United States which have more tonnage and seamen than New Bedford. No provision is made for the other collection districts of those I represent. All have contributed largely to the general fund, but have received very little. The district I represent has contributed according to the report before us:

		Paid.	Received.
Barnstable,	-	$24,835	$1,441
Edgartown,	-	8,914	1,116
Nantucket,	-	7,076	78
New Bedford,	-	17,046	472
		$57,871	$3,107

Yes, sir, they have contributed nearly fifty-eight thousand dollars, and received there little more than three thousand dollars.

On a proper occasion, I shall propose amendments making provision for New Bedford and Holmes's Hole, for whom I have presented memorials, and who are, in my opinion, entitled to the provisions of the bill as well as other places. I agree with the gentleman from Rhode Island [Mr. Pearce] that we are not to be governed wholly by the amount paid. I agree that provision at the South, where sickness prevails, should be made to a much greater extent than at the North. But the amount of money paid shows the number of seamen and amount of navigation. Take one half of the money paid at the North, and carry it to the South, if that be deemed expedient, and I will not complain. But no reason can be given why, in the great and rich cities of the North and favored places, much more should be expended than is collected, while large sums are taken from less towns, without making provision there to support those who may need assistance, although they may have contributed all their lifetime to the fund. The whole system is defective; it needs reform. I have endeavored for years past to effect it. In my opinion, the best course we can now take is to abandon the bill before us, and call upon the Secretary of the Treasury to present to Congress, at their next session, all the information he has in his possession in relation to sick and disabled seamen, and to state what provision may be necessary and expedient for Congress to make for them, and the mode, in his opinion, best calculated to effect their relief. If no other gentleman offer such a resolution, I will endeavor to do it.

Mr. WISE objected to the bill on the same ground: there was no marine hospital at New Orleans, while they were sprinkled liberally in the remote interior.

[Mr. Pearce explained how it happened that New Orleans was omitted; no application had been made to the committee for that port in time.]

Mr. Wise resumed, and argued from the explanation that the bill must have been most loosely drawn. The House had not the requisite information for its action. He was in favor of the motion to strike out. He was opposed even to the establishment at City Point; because the vessels which went there passed in sight of a noble hospital on the way up the river, while such ports as New Orleans and Baltimore were unprovided for. The sea dogs on the coast were very differently situated from the boatmen on the rivers. It might as well be proposed to provide hospitals for the Western hog drovers.

Mr. HAWES said he would not give twenty Western hog drovers for every man in the gentleman's district.

Mr. MASON replied and explained.

Mr. BURGES withdrew his motion to strike out the enacting clause of the bill.

Mr. SUTHERLAND warmly advocated the appropriation for the mouth of the Arkansas. He eulogized the people of the West, and insisted on their claims to humanity, especially as most exposed to disease in the sickly ports at the South. As to a report, there was one on his table from the Department. If gentlemen wanted a report, they had one—nay, two—which stated all the hospitals and their locations.

Mr. VINTON warmly remonstrated on the consumption of time and the press of business. He moved for the rising of the committee, to report the bills already disposed of.

The motion prevailed: Ayes 75, noes 46.

The committee thereupon rose, and reported the bills acted upon.

Various bills reported yesterday, from the Committee of the Whole, were ordered to their engrossment for a third reading.

THE LIGHTHOUSE BILL,

With its numerous amendments, was taken up, the amendments concurred in, and the bill then ordered to its third reading.

THE HARBOR BILL

Was in like manner considered; the amendments being considered in order.

Mr. HAWES opposed the concurrence in the item of $50,000 for the improvement of the river between Pittsburg and the falls, and demanded the yeas and nays; which were ordered.

Mr. POLK earnestly joined in the opposition, as unnecessary, since the usual annual appropriation for the Ohio, Mississippi, and Missouri, was already in the bill.

Mr. LANE advocated the amendment, and dwelt on the beneficial effect of such an appropriation. He described the obstructions in the river, and stated the facility of their removal. He dwelt on the great and growing amount of commerce on this part of the Ohio river, and he appealed to the pride and justice of the West.

Mr. VINTON, who had moved the item, replied to Mr. Polk, showing that the money appropriated in the bill would all go to the Mississippi and the Southern rivers; and the Ohio would, in fact, get nothing. There were items for the Arkansas and the Red rivers, though as much commerce passed the Ohio in a week as did over those rivers in a year.

Mr. HUBBARD said that, if no part of the money had been applied to the Ohio, it was very improper in the agent.

Mr. VINTON explained. Mr. Shreve reported that it would not be in his power to do any thing on the Ohio above the falls; nor would any thing be done there for years to come.

Mr. HUBBARD resumed, and opposed the amendment as breaking through the rule of confining the appropriations to what had been recommended by the Department and the Committee of Ways and Means.

Mr. MERCER remonstrated with severity on this principle. For what did the House sit, if they were only to pass what the committees chose to report, or the Departments to recommend? He recognised no such authority. Mr. M. contended for the propriety of the amendment; and dwelt on the importance of the Ohio as a channel of communication through a most important part of the Union.

Mr. DENNY said the amendment had the sanction of a standing committee of the House, (that on Roads and Canals,) whose authority was quite as binding as that of the Committee of Ways and Means. The House had in other cases exceeded the amount fixed by the gentleman from Tennessee [Mr. Polk] as the limit for its action; and why not now? He appealed to the House whether $50,000 was sufficient for these three rivers, when it had first been intended for the Ohio alone.

Mr. VANDERPOEL inquired whether the Committee on Roads and Canals had directed this amendment to be proposed.

Mr. VINTON replied in the affirmative, and explained why the committee had not reported a separate bill.

Mr. POLK went into the origin of the item of $50,000 in the bill for the Ohio, Mississippi, and Missouri rivers. The Committee on Roads and Canals had had no communication with the Secretary of War on the subject; they relied only on a report of Mr. Shreve.

Mr. VINTON interposed and explained, and said that Mr. Shreve's report referred only to that part of the river below the falls; this item was for the river above the falls.

Mr. POLK resumed, and strenuously opposed the amendment, and remonstrated against the great augmentation of appropriation bills, and the subsequent charge on the administration of comparative extravagance. He admitted the importance of the river, and disclaimed the doctrine that the House was bound by the recommendation of a committee; but there ought to be strong reasons for exceeding the estimates.

Mr. LYTLE replied to Mr. Polk, denying that it was a common practice to pass bills just as they came from the Committee of Ways and Means. He had the most profound respect for the Committee of Ways and Means, for their astuteness, learning, and skill; but still, there were some other committees for whom he cherished almost the same respect. He would regard the recommendation of the Committee on Roads and Canals quite as much as that of any Department. It possessed better means of knowledge, and quite as much authority over the action of the House. Mr. L. adverted to the intrinsic importance of the object; and said he should always advocate a measure on that ground, notwithstanding the omnipotent voice of the learned Committee of Ways and Means.

Mr. BURGES took the same ground, and protested against any committee's assuming to tell the House what it must do. All the committees of the House stood on the same ground, and he should regard the recommendation of one as much as of another. All New England was concerned in the navigation of the Ohio river; it was the property of the whole country. He adverted to the constitutional power of Congress to regulate commerce among the several States. The distinction between foreign and domestic commerce, as to a constitutional power, was a mere political contrivance, and he hoped it would speedily be abolished.

Mr. HUBBARD defended the course of the Committee of Ways and Means, and replied to Mr. Burges, denying any thing like a claim on the part of that committee to any power over the House. The bill before the House was for carrying on works already begun; but the amendment was virtually a new scheme, and should have been placed in a distinct bill. Why the gentlemen from Rhode Island and Ohio should cast abuse on the Committee of Ways and Means, he knew not. If this amendment was sanctioned, what was to close the door against as many more projects as gentlemen might choose to propose?

Mr. **STEWART** denied that the amendment was any new project. It was for a work ordered in 1824, to improve the Ohio up to Pittsburg. The law was eleven years old, yet nothing had been done on the six hundred miles above the falls.

Mr. **DICKINSON** thought the amendment the most important in the bill, but he should vote against it. He moved to strike out the enacting clause of the bill.

On this motion Mr. PEYTON demanded the yeas and nays; whereupon Mr. DICKINSON withdrew his amendment.

The question was then put on the amendment, and decided by yeas and nays, as follows: Yeas 109, nays 86.

So the amendment was concurred in.

Mr. **DICKINSON** now renewed his motion to strike out the enacting clause of the bill, on the ground that the whole system was wrong.

Mr. **HUBBARD** demanded the yeas and nays; which were ordered.

Mr. **HARD** moved to adjourn.

Mr. **GORDON** moved a call of the House; but it was refused.

The yeas and nays were then taken on striking out the enacting clause of the bill, and resulted as follows: Yeas 56, nays 128.

So the motion to reject the bill was negatived.

The House then, according to order, took a recess till six o'clock.

Evening Session.

The House, according to order, reassembled at six o'clock, P. M.

POST ROUTES.

On motion of Mr. CONNOR, the House resolved itself into Committee of the Whole on the state of the Union, for the purpose of taking up the "bill to establish certain post roads, and to alter and discontinue others, and for other purposes."

Numerous amendments were offered, few of which found favor with the committee, and most of which were promptly negatived.

The evening was far spent, and the committee had made its way on to the twentieth page of the bill, when

Mr. **H. JOHNSON**, of Louisiana, moved to amend the bill by inserting a provision by which it should be made "the duty of the Postmaster General to enter into contracts for carrying the daily mail between Mobile and New Orleans."

An angry debate ensued, of which, from the lateness of the hour and the confusion attendant on an evening session, the reporter can give merely a general outline.

Amongst other members, the amendment was strenuously opposed by Mr. BEARDSLEY, who insisted on the impolicy of establishing any new routes at all in the present embarrassed condition of the Post Office; and who, in adverting to that embarrassment, and to the strange difficulties in which the Department found itself involved, took occasion to allude to the Postmaster General as having been "liberal to a fault, and, he might almost say, beyond a fault."

After some objections from Messrs. WISE, SEABORN JONES, and others,

Mr. **PEYTON**, in remarks of some length, called upon the honorable member from New York [Mr. Beardsley] to declare to the House what was the latent meaning of the language he had used towards the Postmaster General, when he stated that "he was liberal to a fault, and, he might almost say, beyond a fault."

In claiming this explanation, Mr. P. said that this was not the proper opportunity for gentlemen to drag forward the conduct of the Postmaster General, nor to show their patriotism at his expense, if they were desirous to do so. He had once thought that that officer had some sincere friends, but he began to think that they were fast falling away. Did the honorable member from New York intend to say, or to insinuate, that the Postmaster General had connived at a dishonorable expenditure of the public money, or that, to gratify particular men, interests, or objects, he had stepped aside from the plain and open path of honesty? If the honorable member did intend to say so, he (Mr. P.) denied the assertion, and he wished to have an avowal or disavowal of the imputation. He expressed his astonishment at the newborn zeal which had been growing up for the last three, four, five, or six weeks, (not longer,) in respect to the Postmaster—a zeal which seemed inclined to make an attack upon the character and conduct of that individual. He (Mr. P.) disliked side-thrusts of all descriptions, even though not probably intended. For his own part, he must say that he believed the Postmaster General to be pure, honest, and patriotic, and withal as honorable a man as God had ever made.

Mr. **BEARDSLEY** said, that if the honorable members who had found fault with his expression, [Mr. Wise and Mr. Peyton,] had heard and comprehended what he had said, and had known and appreciated his feelings on the subject, (feelings, the only object of which was to do justice to the Postmaster General, and to all public functionaries as well as private individuals,) he was sure they would not have fallen into the error which they had committed in regard to his motive, and still less would they have indulged in the strain of censure which had characterized their observations.

He did not distinctly understand what the gentlemen themselves had meant. Was it censuring a man, or imputing a crime to him, to say that he had been "generous to a fault, and almost beyond a fault?" Did those gentlemen sincerely believe that the force of this language imputed a criminal design, or that the person who had made use of it entertained any such opinion? He dismissed the thought. The honorable members ought to have known him and the subject better than to believe him capable of remarks pointing to a criminal intention in the mind of the Postmaster General. With all his faults, (and who was without them?) he (Mr. B.) repeated that the Postmaster had been generous and confiding, immeasurably so; but he was as ready now as ever he had been to bear testimony to the purity and uprightness of that officer. He made this declaration, because he believed it to be the truth, and not because the honorable members had chosen to put an interrogatory to him. But as to asserting that the Postmaster had not confided in others, to such an extent as that the Department had fallen into great derangement—why, he would say nothing about it. He merely desired that, neither here nor elsewhere, should any conclusions be drawn from his language, which it never was intended to warrant.

Mr. B. again alluded to the inexpediency of passing such a bill in the present condition of Post Office affairs, and said that, at a proper season, he proposed to offer for the consideration of the House an additional section, providing that none of these routes should be followed up until the finances of the Department were again in a disembarrassed condition.

Mr. **W. C. JOHNSON**, of Maryland, was understood to inquire from the chairman of the Committee on the Post Office and Post Roads, [Mr. Connor,] what would be the probable expense to the Department of carrying these routes through.

Mr. **CONNOR** was understood, in reply, to state that he could not distinctly say what the expense would be, but he thought about $50,000.

Mr. W. C. JOHNSON proceeded to express his entire disapprobation of the bill, in every shape and form. The Department was in a state of absolute bankruptcy.

He would now express his conviction, upon this floor, that that Department was corrupt from head to foot, through and through; and for the Postmaster General, he believed him to be as culpable as any officer under his control.

Mr. GARLAND called to order.

The CHAIR said the gentleman was certainly wandering a little from the direct line of the debate; he must confine his remarks.

Mr. JOHNSON continued. He would endeavor to do so, and if his observations should annoy any honorable members, he could not help that. His only desire was to speak his sentiments frankly; he hoped he spoke them understandingly. He knew his responsibility to members of this House; he also knew his responsibility to the House itself, and he should, on all occasions, yield with respect to the opinion of the Chair.

Mr. J. said that he found the bill under discussion when he entered the hall, and had glanced his eye through it, but had seen enough to convince his judgment that, in a bill of near thirty pages of post routes, fifty thousand dollars was a sum totally incommensurate to carry all the routes contemplated into operation. He could not speak advisedly, but he would hazard the opinion that five hundred thousand dollars would be an amount not too exorbitant to effect the purposes of this bill. He had seen, in looking hastily through the bill, all the States, save Maryland and one or two others, most bountifully supplied with new mail routes. If this is to be a system of general accommodation, or of particular and careful arrangement, he was at a loss to know why these States were excluded from the general or partial benefits of new mail routes. But whether his own State was included or omitted, he was still against the bill. According to the opinion of the honorable chairman of the committee, an increased expenditure is necessary; and not a dollar is asked in the bill to give the Department the means of doing what you would enjoin upon it; and this at a time when the Department is notoriously bankrupt, by squandering the public money with favorites and electioneering partisans. His objection was not to the bill in detail, but to the bill in the aggregate. It was calculated to increase the expenditure and patronage of the Government, at a time when it was corrupt enough from one end to the other, from the Postmaster General down to the most subordinate officer in the service. He made this declaration because he believed it, and because he had data and facts to sustain the belief. He moved to strike out the enacting clause of the bill, and asked for the appointment of tellers on the motion.

Mr. HAWES agreed with the honorable member from Maryland as to the propriety of striking out the enacting clause, in this and every other similar bill, until such time as the Department should have funds to carry on the routes. He believed that the routes contained in this bill would add an expenditure to the already exhausted treasury of the Department, of full three hundred thousand dollars. But there was one point on which he differed from the honorable member, and he hoped that, on consideration, the gentleman would withdraw the assertion he had made. If, continued Mr. H., I understood him correctly, he gave it as his opinion that the Department was corrupt, from the Postmaster down to the lowest officer in the service. Did I understand him correctly?

[Mr. W. C. JOHNSON. You did, sir.]

Mr. HAWES continued. This was, indeed, a broad and sweeping assertion, to go forth to the people of the United States, from this House, that one of the highest officers in the Government had been corrupt in the discharge of his duty. He (Mr. H.) had been one of those who, for months past, had been engaged in the investigation of the Post Office affairs, and although he believed, with the member from New York, that the Postmaster General had been too liberal and confiding, that he had involved the Department in unnecessary expenditure, and had brought unnecessary and improper burdens upon it, yet he would say, because he believed it to be the fact, and because there was not one iota of testimony before the committee to disprove or qualify the assertion, that he believed the Postmaster General to be as pure, as honest, as honorable, and high-minded a gentleman as any individual who had the privilege of a seat on this floor. He would ask the honorable member from Maryland, he would ask every member of the committee, if they could point to one shadow of a transaction, or to one solitary scratch of a pen, which contained any thing that could throw a breath of suspicion upon this officer as a just and honorable man. He denied it, and he called upon the honorable member from Maryland to declare upon what grounds he had asserted corruption.

He was sorry to see that the members from Virginia and Tennessee [Messrs. WISE and PEYTON] had indulged in such remarks as had fallen from them in reply to the observation of the member from New York. For himself, he believed it to be the part of a true friend to tell a man of his faults; and he thought that the member from New York had acted in that capacity, when he had proclaimed that the Postmaster General had been too confiding and liberal, that he had listened too easily to the solicitations of members on this floor, and of the people in different parts of the country. Undoubtedly such was the fact.

[Mr. WISE offered some explanations in reference to remarks he had made on the expression which had fallen from Mr. BEARDSLEY. He thought, probably, that the House did not exactly understand the part he had taken. It was well known that he had not been considered a personal friend to the Postmaster. He condemned that officer, not for political malfeasance, but for political mismanagement; and to that extent to which both the reports had condemned him. He had never heard, either from friend or foe, that the integrity of the Postmaster had been impeached, until he heard it from the member from Maryland. He had said what he did, because he thought that the observations of the member from New York needed an explanation, and he was desirous to give him the opportunity of making it. He thought that something more of culpability was intended than it appeared there had been, and he wished to understand directly from the gentleman whether there was any design to impeach the motives of the Postmaster. The remark had struck his mind, as it appeared to have struck the minds of other members, and all he sought was to know the true intent of the language which had been applied. He was glad, moreover, to express his dissent from the opinion which had been expressed by the member from Maryland.]

Mr. HAWES continued. He would again repeat that it was the part of a true friend to tell a man fairly and openly of his faults, and any man who would rise upon this floor or elsewhere, and say that the Postmaster had not been guilty of faults, was no true friend to him. He thought that the member from New York was discharging one of the very best acts of friendship, when he made the declaration he did. The land from which the Postmaster came was not the land of dishonest men; and if it were, that officer was one of the last men on the face of the earth whom any gentleman had a right to charge with dishonesty. He made this declaration on a knowledge of his character, for he had known him for years, and, during some part of the time, intimately. It was true the Postmaster had been an unfortunate man; it had been his fate to go through life almost in poverty; and there could be adduced no stronger proof of his honesty than the fact that, with all his reverses, and whilst others were wallowing in millions, he had never closed his ear to the poor man's wants. He would repeat that, although the Postmaster had brought deep embarrassment on the Department, and had involved it in trouble, almost in ruin, there could be found no charge of dishonesty or corruption against him, and that he was as honest and honorable a man as any that had a seat on this floor. He again called on the member from Maryland to give the grounds on which his charge had been founded.

Mr. W. C. JOHNSON said that, having been called upon so repeatedly to assign the grounds upon which he had founded his assertion, he rose for the purpose of doing so. He had not felt disposed to interrupt the honorable member from Kentucky in his observations; but he would take this occasion to say, once for all, that although he did not in the least doubt the sincerity of the gentleman's opinions, that the Postmaster General was an honest, high-minded, and honorable man; at the same time he did not retract the sentiment which he had expressed a few moments before. On the contrary, he repeated that he believed there was corruption from beginning to end, from head to foot, from the highest to the lowest officer in the Department. He did not intend, by this assertion, to criminate every individual separately; he spoke of the Department in the aggregate. He had been asked for the data on which he had formed his opinion. He would give data. [Mr. J. was here understood to allude to the vote of the Senate at the last session of Congress, pronouncing an opinion that the Department, not its tools, or its subordinate officers only, but that the Department, had violated the constitution and laws by unauthorized loans and extra allowances.]

Have not two voluminous reports been made to Congress by their committees, carefully and laboriously investigating the administration of that Department; and have they not exhibited a mass of evidence and proof of the mal-administration of that Department which has astounded and surprised the moral sense of the nation? Yes; party influence, with all its considerations, could not prevent the committee of this House, though friendly to the administration, to close their eyes to facts, or to deafen their ears to the truth, and they were compelled, by the high and paramount duty which they owed to their country, to proclaim that that Department had been badly conducted, and merited the strongest censure. This, too, after a vote last winter by which a co-ordinate branch of the Legislature had resolved, with singular unanimity, that this Department had violated the constitution and the law. Facts enough are on record to justify him in the conclusion he had arrived at; and, sir, if the partial and limited investigation which has been had has disclosed so many frightful spectacles of abuses in this Department, what, he would ask, would be the true picture, if it could be probed thoroughly from centre to extremity, and the whole truth laid before the nation?

Were we to be told (Mr. J. asked) that these things were done by a subordinate officer, and that the head of the whole Department was free from blame? He, for one, held the head of the Department to be the responsible man. He looked upon him as the guilty individual; and to say that he was not the responsible man would be to shrink from the plain path of our duty. Were members to be frightened from their purpose, were they to be driven from the honest expression of their opinions, when corruption, deep and rank, was stalking abroad, which every man might gaze upon, and which no man could deny? He would say that the head of a Department, when he knew that such corruption existed, and refused to remove individuals who might have caused it, was himself accessary to the corruption, and, therefore, criminal. No honorable man could deny that such was the fact. There was confirmation strong that these officers had been guilty of corruption, and even of bribery, and yet they were continued in office; and if the Postmaster knew that such practices were in existence, and still continued the defaulting individuals in office, the irresistible conclusion was, that he himself was no better than his officers. This, at least, was the conclusion to which he (Mr. J.) had come, and he hoped he had arrived at it as an honorable man ought to do. Others might entertain different opinions, and they had a right to do so. He had felt it to be his duty to express his sentiments. He was well aware of the responsibility he had incurred, and he would never shrink from it. He would look upon a member of Congress as recreant to the trust which had been reposed in him, if he could turn away from a full and fearless avowal of the opinions he honestly entertained, on this or any other subject. He, however, had spoken these sentiments in no personal disrespect towards the Postmaster; he knew him not, or if he did, he had no acquaintance with him. He had no personal motive to gratify; and if, on the one hand, he sought no difference or collision of sentiment with any member of the House, on the other, he should always express his opinions, whenever he considered it his duty to do so.

Mr. STODDERT intimated his intention to vote in favor of the motion to strike out the enacting clause. To induce such a course, it was enough for him to know that the Department was at this time in debt to the amount of two or three hundred thousand dollars. As to the Postmaster General, the reports would show that, although his honesty had never been called in question, still his incapacity was sufficiently plain. Whatever his faults might have been, there could be nothing in all these transactions which could affect his private character.

After some remarks from Mr. GARLAND and Mr. LANE,

Mr. BEARDSLEY rose and replied to the data which had been adduced by the member from Maryland, in support of the charge of corruption. He had listened with attention to the remarks which that gentleman had made, and he admired the spirit and candor with which he had avowed his opinions. But this was the first time he (Mr. B.) had ever heard that, because a public officer had transcended the powers vested in him, therefore he was corrupt. Mr. B. answered at some length the two specific charges of loans and extra allowances, and cited previous usage as an argument against the charge of corruption. The member from Maryland had made some general charges about bribery, but, as he had laid down nothing specific on this point, he (Mr. B.) need not make any reply. He concluded by stating that probably no public officer, having any power in his hands, had retained office for any length of time, without transcending the power that was given to him; and if the necessary inference from such a proceeding was corruption or dishonesty, who on earth could stand up?

Mr. W. C. JOHNSON said he was free to confess that his intention, when he rose, was not to make an argument, but when he was called to account for the opinions he entertained, and that too by a member who had first alluded to the Postmaster General in terms so ambiguous, and leaving room for so strong an inference against the integrity of that officer that his friends had thought an explanation necessary; when that same honorable gentleman had had the spirit to come forward and explain away his own doubtful expressions, and at the same moment to charge upon himself a want of spirit in the course he had adopted, he (Mr. J.) could only tell that gentleman that his rule of thinking and acting, was not that which the honorable member laid down for his guidance. Of one thing that gentleman might be certain: if he (Mr. J.) had made a charge against another man, he had spirit enough to stand to it, let the consequences be what they might.

Mr. **BEARDSLEY** said he had expressly spoke in commendation, and not in detraction, of the spirit which the member from Maryland had evinced.

Mr. **R. M. JOHNSON**, of Kentucky, called for order.

Mr. **W. C. JOHNSON**. Am I out of order? Will the honorable member take down my remarks?

The **CHAIR**. The gentleman from Maryland will take his seat.

Mr. **W. C. JOHNSON**. Am I not entitled to the floor? Have I not a right to reply to remarks which have been applied to me?

The **CHAIR** said the gentleman certainly had a right to reply; but the debate had taken a wider range than was proper, and gentlemen must limit their remarks.

There were some further calls to order, but the **CHAIR** decided that reply was admissible; and

Mr. **W. C. JOHNSON** proceeded. If there were gentlemen in this hall who had not a becoming sense of their own dignity, nor of the dignity of this House, all that he could say was, that he should not fail, on all occasions, to do justice to himself, and to his own views of propriety. He would remark, in reply to the member from New York, who had first charged impropriety on the Postmaster General, and who had since found it convenient to retract his observations—who had first come out with a charge, and then with a panegyric; that he (Mr. J.) did not possess that duplicity of character; that subtle attribute of mind; that non-committal feeling, which could induce him first to charge a man with wrong, and then to become his evident eulogist. The objections which he (Mr. J.) had raised were not predicated alone on the vote of the Senate, or on the item of extra allowances; but they were founded, hypothetically, upon the whole course of the Department. The knowledge of the evil being in the possession of the Postmaster General, and he not correcting the evil, he (Mr. J.) believed him to be culpable. The same remarks would apply to Mr. O. B. Brown—the Reverend Mr. Brown, as he was commonly designated—and who had some intimate friends in the members of this House. He (Mr. J.) might be censured; he might be called to order as he had been; but he would say, there was no gentleman in this House who could rise and say that the affairs of the Post Office, for the last two years, had been conducted with propriety, honor, or honesty. Were members to be muzzled? were they to have padlocks put upon their mouths when these facts were laid before the whole American people, and when all parts of the nation had come to a solemn conclusion that delinquency and corruption existed? Was he not to dare to speak his opinions in this hall, simply because the ghost of some murdered man should rise before him and bid him be silent? From his youth upwards he had been accustomed to express his honest opinions at all hazards. He was not one of those politicians who was ever wooing the popular breeze; a mere weathercock, to be veered by the gust of passion or of party, in whatever direction it might blow, or who felt called upon to hitch himself to the car of any chieftain or magician who might beckon him to his service. If his best and dearest friend had acted as the Postmaster had acted, he would, as a President should, have shaken him off as a viper, whose touch brought pollution and death. Corruption in one Department of Government will, if not exposed and censured promptly, lead to abuses in other Departments, and finally become abiding in all, and will extend itself from office-holders to office-hunters, (as is much the case now,) and will soon spread a pestilence of bribery throughout the nation; for, when political independence can be purchased with place, and the people endure that, then their freedom, as a birthright, may be yielded to the allurements of station and the temptation of gold; which, once tolerated, they

"First endure; then pity; then embrace."

Mr. **BEARDSLEY** said he did not exactly understand the drift of the honorable member's censures; nor could he precisely tell whether they were intended personally or otherwise. In regard to the gentleman's observations as to his spirit, it was due both to himself and to that gentleman to say that he (Mr. B.) intended no reflection of that kind; and, even if he had, the repeated assurances which the honorable gentleman had given that he did possess spirit, would have been sufficient to satisfy every reasonable mind that such must be the fact. But he did not intend to make the reference which had been alluded to; on the contrary, he expressly stated that he admired the spirit of frankness with which the gentleman had expressed his opinions. So much for that. Nor had he called in question the honesty of the honorable member's opinions. That gentleman had a right to his opinions; and it was immaterial to him what opinions another individual might hold, so long as they did not interfere with the free exercise of his own. Nor had he charged versatility upon the honorable member; he had made no such issue between them; the gentleman had made it for himself. He (Mr. B.) intended simply to assert, what he had a right to assert, that the grounds upon which the gentleman stated he had inferred corruption were not tenable. The gentleman ought not to be astonished that the opinions he expressed here should meet with a response. He appeared to take it unkind that he (Mr. B.) should have replied at all to his objections. He (Mr. B.) had replied, because he felt that he ought to do so; and if the honorable member thought he was wrong, he could settle the matter in any way which he thought proper. There was no necessity for that gentleman to indulge the remarks which, it appeared, he thought due to himself and the occasion. He (Mr. B.) had merely differed upon inferences to be drawn from facts, and he had expressed his opinions. The honorable member might have reserved his observations until a proper occasion. He (Mr. B.) repeated, that the Postmaster General had been liberal to a fault, and almost beyond a fault. Such he believed to be his character. Gentlemen seemed to have inferred that the remark was intended to point to a criminal design. Let the House judge whether it did or did not. If it did, then he (Mr. B.) knew not the meaning or the force of language.

Mr. **LYTLE** regretted the course which the debate had taken; and he rose, not to enter into debate, but simply to remark, as he had done when his sentiments were elicited on a former occasion, that the gentleman of the head of the Post Office Department was as pure, as just, and as incorrupt a man as ever breathed the breath of life; not only incorrupt as a man, but incorruptible. His official concerns were another thing; and he (Mr. L.) conceived that no assault had this evening been made upon the personal character of that officer. On the contrary, he had understood from the gentleman from Maryland, who had stated that he was not personally acquainted with the Postmaster, and who had since said that the charges were made hypothetically, that the observations applied to his official character. This was scarcely the legitimate arena in which an investigation of this description should be instituted. It was not the time, it would be unfair, and he was sure such an intention was not in conformity with the general views and spirit of the gentleman from Maryland, to put the Postmaster on his trial now. That honorable member had charged malfeasance hypothetically. When the proper time came, the charge could be examined. If he meant to say, as he (Mr. L.) had not at all understood him to say, that the integrity of the Postmaster was impeached, there was no better man than the Postmaster to sustain his own honor and his own reputation. He wanted no champion here; for, notwithstanding his weakness and disease, he had spirit enough left to defend himself; that was a task which he would not desire to impose on any of his friends. But he (Mr. L.) did not believe that the member from Maryland intended to make so serious and grievous a charge. He would not believe it of any member on this floor.

Mr. W. C. JOHNSON said he wished it to be understood that his remarks were intended to apply officially alone to the conduct of the Postmaster General. He had expressly stated that he knew nothing of him personally. So far as he had heard the private character of that individual spoken of, it had been without reproach. But if he had intended to make such a charge, he hoped he should not have been so low spirited as to bring it forward here, and take shelter from his opinions under the protection of this legislative hall. What he had said he would neither qualify nor retract, but would reiterate every sentiment he had uttered; and felt convinced that the honorable member from Ohio did not wish to give any other interpretation to them than his language would justify.

Mr. J., in rising, wished to be distinctly understood, and, while on the floor, repeated, that, although the member from New York [Mr. Beardsley] seemed to be at a loss to comprehend the full scope and meaning of his (Mr. J's) arguments, yet he had, with as much sincerity as ambiguity, admitted his (Mr. J's) candor and frankness in assuming the positions he had taken in this debate. And in dismissing the subject under discussion, he would finally say that, whether his remarks on this occasion met with favor or disfavor was a matter of perfect indifference to him, so long as he felt that he was discharging his duty as a member of this House.

Mr. LYTLE said he had no doubt, from the first, that such was the meaning of the member from Maryland. He would now move that the committee rise, report progress, and ask leave to sit again; but, on request, he withdraw the motion—

When **Mr. POLK** renewed it.

Tellers were appointed, and the members having passed through them once,

The tellers asked for a second count, declaring that they could not tell how the members stood.

A second count was accordingly ordered and obtained. But the tellers asked for a third count, the second not being satisfactory.

The third count was taken, and the motion to rise stood: Ayes 64, noes 53, [no quorum.]

The committee rose and reported; whereupon,

Mr. JARVIS desired to know whether less than a quorum could ask leave to sit again.

The **SPEAKER** said that the proper mode would be for the House to resolve itself back into committee and retake the vote.

Mr. POLK moved an adjournment: he was satisfied that the House could arrive at no gratifying result this evening.

The **SPEAKER** said he was referring to the rules on the question of order.

But the motion for adjournment, in the face of the point of order, became reiterated and loud. So the question was taken and carried; and, at 10 o'clock,

The House adjourned.

Wednesday, February 25.

ARMY BILLS.

After disposing of some preliminary business,

On motion of **Mr. R. M. JOHNSON**, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. White, of New York, in the chair,) and took up for consideration the "bill to render permanent the present mode of supplying the army of the United States."

No amendment being offered to the bill, the committee rose and reported it to the House; whereupon, it was ordered to a third reading, and, subsequently, was read a third time and passed.

On motion of **Mr. R. M. JOHNSON**, the House resolved itself into a Committee of the Whole, (Mr. Lytle in the chair,) on the remaining bills embraced in the order adopted yesterday.

The bill authorizing the appointment of three additional paymasters in the army was considered, and no amendment being offered thereto, it was laid aside.

The bill respecting the topographical engineers being then taken up for consideration,

Mr. R. M. JOHNSON moved an amendment adding twelve second lieutenants to the corps.

Mr. SPEIGHT thought, he said, that the corps was already sufficiently large, and he considered the proposed measure as a step towards a system of roads and canals, in the country, at the expense of the general Government.

Mr. DUNLAP said the amendment of the chairman of the Committee on Military Affairs, if adopted by this House, would go to increase the topographical engineer corps. It would be carrying out the splendid system of internal improvement, commenced by the act of April, 1824. There was no necessity to increase the number. It was not pretended that we had not now a sufficient number to instruct the army, and answer all our purposes in time of war. But they were wanted only to go through this immense Union, to survey routes for roads and canals; to provide the means for this House to violate the constitution of our country, in appropriating money by the general Government to make roads and canals. Mr. Chairman, this is a subject for the States; it is within their exclusive jurisdiction; and every cent of money appropriated by this House for such purposes is, in my opinion, a most palpable violation of the constitution. Sir, it is time this extravagant system should be put an end to. The American people have a right to expect, under the administration of the present Executive, that this system of internal improvement will be stopped. I know that there are many gentlemen on this floor who believe that Congress has the right to appropriate to such purposes; and there are those who vote to spend the money in any manner whatever, to create the necessity to collect more. I call on the gentlemen who were elected by their constituents to a seat on this floor, to sustain the administration of the present Executive, now to assist in carrying out one of his acts to reduce the expenditures of this Government, to go with me in resisting this amendment.

Mr. LANE said he trusted that the amendment would be adopted. It was not a proposition to carry on a system of internal improvement by the general Government. No one denied the right of the States to carry on improvements with their own resources, and the States called on the general Government to assist them in making examinations and surveys. He had himself applied last year in behalf of his State for the services of an engineer to be employed by the State, and he was told that they were all employed, and that many similar applications had been made and refused for the same reason. Unless the corps was increased, their services could not be procured by the States, though the States were willing to pay the expenses of the surveys made by them.

Mr. SPEIGHT said he would not detain the committee by continuing the debate, but in the House he should move, in order to test the principle of the bill, to strike out the first section.

Mr. R. M. JOHNSON withdrew the motion to amend.

Mr. JOHNSON, of Louisiana, remarked that there was but one engineer on the whole Southern coast, and that there were a great number of works requiring examination and survey. He thought it, therefore, highly important to increase the number of the corps of topograpical engineers.

Mr. MERCER said he would barely suggest that this country had sustained a great loss to its commerce for want of what no prudent Government would be without, accurate maps of its coast and of its interior.

Mr. DUNLAP then offered an amendment, providing for the repeal of all laws authorizing the appointment of topographical engineers.

In reply to Mr. Lane, of Indiana, Mr. D. said he had been often somewhat astonished at the course pursued by many gentlemen on this floor, but none more than the gentleman from Indiana. I have often heard that gentleman assert his friendship for the Executive; and as often have I seen him voting against the most important measures of the administration.

We hear it often asked, on this floor and elsewhere, how it is that this administration spends more money than any former one, when it was asserted by the great body of the friends of the present Executive, while he was canvassing for the executive chair, that the former administration was profligate in its expenditures. To the members of this House it is an easy matter to account how this happens; but to those who are not here it cannot be so well accounted for. They know what the principles of the administration are, and when they see that such and such gentlemen are elected as friends to the administration, they expect to see them aiding and assisting the Executive in curtailing the expenses of the Government. But how is it, Mr. Chairman? There is a very decided majority of the members of this House elected by their constituents as friends to the Executive; and upon every question of expending money we find many of them always voting with the opponents of the administration, some of whom would vote to expend every dollar in the treasury, for any purpose whatever, only to bring odium on the administration. Mr. Chairman, I have a right to call on those gentlemen who were elected as friends of this administration to vote for my amendment. It repeals all laws authorizing the Executive to employ civil engineers under the act of April, 1824. That law appropriated thirty thousand dollars annually, for the purpose of authorizing the President to employ two or more civil engineers, together with the topographical engineer, to make surveys and estimates for such roads and canals as he might deem of national importance. What, sir, has been the practice under this law? Application after application is made to the Executive to have a route for a road or canal, from such and such a place, surveyed; and it is almost impossible for him to tell whether it is of national importance or not; it is so represented to him; he can only do what Congress directed him to do. He sends the engineers, they make the surveys and estimates, and when their report is made it is sent to Congress; and gentlemen in whose district the improvement is to be made ask Congress to make the appropriation to complete the work. And, sir, what are we told when we resist the appropriations? That the surveys and estimates are made by a public officer, and he recommends the usefulness and practicability of said work; and if Congress does not make the appropriation, all the money spent by the Government in having the survey made will be thrown away. Mr. Chairman, this argument appears to have great influence on some gentlemen; and, if my amendment is adopted, we will in future get clear of any such fallacious argument.

Mr. Chairman, the act of April, 1824, was intended to carry out the grand scheme of internal improvement which so characterized the late administration. It was passed, and the policy adopted, by a union of tariff and internal improvement men. The one was to have their manufactories protected, and the other to have the money thus collected expended in internal improvement. The interest of the agricultural part of this Union, and particularly the Southern and Southwestern parts, was thus compromitted, to subserve the interest and views of this unholy alliance against the common principles of the constitution of our country.

Mr. Chairman, I call on gentlemen to lay down their rule of action, and to vote by it, in this House. This seems to me to be the only mode to make principles and measures directing counsel for this House. It is the only manner by which public sentiment can be fairly tried, when our conduct shall be submitted to our fellow-citizens. Is it fair play for gentlemen to run at home under the Jackson banner, with personal eulogies upon the virtues of the man, and, after they receive all the advantages of the influence of his name, come here and vote against the great fundamental principles which brought him into favor and power? Such a course is delusive and deceptive, and tends to divert the public mind from the great landmarks of a republican Government. I, sir, would greatly prefer that gentlemen should be personally opposed to the present Chief Magistrate, and so boldly speak, and, when they come into this consecrated hall, vote for the principles of his administration. This, in my opinion, would do gentlemen more credit with the enlightened character of the American people, and would be a better guarantee for the purity and principles of their constituents, than to run into public favor on the personal popularity of the President, and then, with a false love, baffle his measures. This, sir, is one of the greatest causes why we have heard so much noise about the President's not carrying out in his administration the principles which called to his aid in the popular elections the great republican party. Many of his personal friends have been made the dupes of his enemies, or they have been false to their own principles.

If the President had attempted to have brought into favor principles adverse to the republican doctrines, I, sir, would have been among the first to raise my voice against him; but while he, year after year, repeats and presses the true doctrines and measures of his well-established republican faith, I will go with him, and call on his elected friends to do the same, or, like men who deserve the rank and confidence which place them here, to renounce their Jacksonism, acknowledge their errors, and vote as becomes the representatives of a free people. Then we can have a fair expression of public opinion, stripped of its deceptive character, which is the only safeguard to the principles of the constitution, and the equal and just measures emanating from the whole object and character of our best and happiest form of government.

Mr. R. M. JOHNSON here remarked that the hour was out.

Several members simultaneously addressed the Chair; but, after some difficulty as to a point of order,

Mr. LANE said, in reply to the gentleman from Tennessee, [Mr. Dunlap,] that the House had received a lesson of party discipline, and that a large portion of it seemed to have been intended for himself. It would have been wisdom in that honorable gentleman if he had applied the discipline to himself, before he should have instructed the House. He says he is surprised that the gentleman from Indiana, and others, who were elected as Jackson men, and sent here to support the principles of the administration, should vote for these extravagant appropriations for surveys, and for works of internal improvement; and that to increase the corps of engineers, was to authorize unconstitutional improvements. Mr. L. said it was true he had been elected as a friend of the distinguished Chief Magistrate, not to serve the Chief Magistrate, but to serve his constituents, the State, and the Union; that he wore no collar—no man's robe. In his votes, and the course he had pursued, and would pursue, while honored with a seat in this House, he would always follow the dictates of his own conscience and judgment, uninfluenced by any other consideration than the interest and prosperity of his constituents, the State, and the Union.

The honorable gentleman from Tennessee might have been elected, because he was a Jackson man, to sustain the administration right or wrong. If so, Mr. L. said he was proud to say his situation was a different one. He had been elected in a district where General Jackson himself had been beaten a few months before. He was willing to compromise with the gentleman from Tennessee, and let the House and the American people determine who had accorded to the Chief Magistrate the most efficient support. In the present instance he was, he said, sustaining the Chief Magistrate, while the gentleman from Tennessee was opposing him and his measures. The President recommended it in his message; the Secretary of War required it. It was emphatically an administration measure. A distinguished officer of one of the bureaus was now in the hall, urging the passage of the bill. That he was in favor of the general Government improving the condition of the country, for the benefit of the people, with the money of the people; that he believed it not only constitutional, but the duty of the general Government to aid the States, and even private companies, in the surveys and prosecution of all works calculated to facilitate commerce and the interests of the Union.

That he had no constitutional scruples, nor did he subscribe to the doctrine, that a stream, because the water was salt, had the preference over a large and commercial channel of fresh water. If the gentleman means to be understood that, to be a Jackson man, is to oppose all appropriations for the improvement of our rivers and channels of commerce, and all aid by the general Government for improvement in the several States, he could only say no such Jackson men could be found in Indiana.

That he not only believed the general Government possessed the power, but that it was their duty to improve all the channels of commerce in every part of the Union; that this principle had been acted upon, so far as they participated in the character of national works. That he understood these to be the principles of the Chief Magistrate; that he desired the passage of this bill increasing the corps of topographical engineers for the purpose of aiding the nation, the States, and companies, in the prosecution of works of internal improvement.

Mr. **BOON** said he was aware that the remarks which had just been made by his friend from Tennessee, [Mr. Dunlap,] were not directed to him individually; but as he (Mr. B.) should vote for the amendment offered by the gentleman from Kentucky, and for the bill itself, he was not, therefore, to be considered as being inconsistent in his course toward the administration. Mr. B. said that no one, perhaps, had been more uncompromising in their support of the present Chief Magistrate in three several elections, than himself; and that few, if any, had given a more hearty and uniform support of the general policy of the present administration than he had done during the time he had been honored with a seat in Congress; and that while he had given his support to the leading measures of the administration, he had also taken the liberty, on some occasions, to go a scruple further in relation to some matters involving a mere difference of opinion.

Mr. **DUNLAP** then withdrew his amendment.

On motion of Mr. **R. M. JOHNSON**, the committee rose, and reported the bill to the House.

The bill for the appointment of three additional paymasters of the army then came up on its engrossment.

Mr. **R. M. JOHNSON** explained that great delay and inconvenience were now experienced in the payment of the army, from the want of a sufficient number of paymasters; and he referred to the statements of the paymaster general, to show the necessity of adopting the measure proposed in this bill.

Mr. **SPEIGHT** was, he said, opposed to the passage of the bill. It went to increase the patronage of the Government, which, by many, was said to be already too great, and he did not think there was any necessity for it.

Mr. **GRENNELL** asked whether the appointments were to be made from the line of the army.

Mr. **R. M. JOHNSON** said the appointments were not confined, by the bill, to the army, but could be made from citizens.

Mr. **BURGES** moved to amend the bill by changing its phraseology, so as to provide that the President should nominate, and, with the advice and consent of the Senate, appoint, &c.; which was agreed to.

Mr. **MANN** opposed the bill.

Mr. **CHILTON** opposed the bill, on the ground that it was unnecessary, and increased the patronage of the Government.

Mr. **WISE** said he would vote against the bill in its present form, because it proposed a direct violation of the constitution, in authorizing the paymasters to appoint clerks with a salary of $500. He moved to strike out that provision.

Mr. **R. M. JOHNSON** said he would agree to the proposition.

And the question being taken, the section was stricken out.

After some remarks from Mr. **LYTLE**, in support of the bill,

On motion of Mr. **HUBBARD**, the House proceeded to the orders of the day.

ELECTION OF PRINTER.

Mr. **McKINLEY** moved that all the orders of the day be postponed in order to take up the resolution for the election of a printer to the House. He said it was his object to have the question decided, whether the House would go into the election of a printer at this session or not.

After some remarks from Messrs. **FOSTER, McKINLEY, MERCER,** and **BRIGGS**, on the question whether the motion was in order,

The **SPEAKER** decided that the motion was not in order without a suspension of the rule.

Mr. **McKINLEY** appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand?"

It was discussed by Messrs. **MERCER, BURGES, PATTON, EVANS,** and **McKINLEY**, when

Mr. **McKINLEY** withdrew his appeal.

The **SPEAKER**, by consent of the House, went into an explanation of the grounds of the decision from which the appeal had been taken.

Mr **McKINLEY** then moved to suspend the rules of the House, and take up the resolution respecting the election of a printer.

Mr. CONNOR moved to include the bill to reorganize the Post Office Department; but withdrew the motion.

Mr. McKINLEY asked for the yeas and nays, which were ordered; and, being taken, resulted as follows: Yeas 103, nays 110.

So the motion of Mr. McKinley was negatived.

AMENDMENT OF THE CONSTITUTION.

Mr. WILDE moved to postpone the orders of the day, with a view to take up the resolution for the amendment of the constitution, in relation to election of President and Vice President, heretofore proposed by Mr. Gilmer.

Mr. GILMER proposed some modifications of the motion, which were not heard by the reporters.

Mr. HUBBARD remonstrated warmly, and expressed his fears that the harbor bill, and others from the Committee of Ways and Means, would be so delayed that there would not be time for the Senate to act upon them.

Mr. WHITE, of New York demanded the yeas and nays; which were ordered, and stood: Yeas 112, nays 92.

So the orders of the day were suspended.

JUDICIAL CIRCUITS.

The House, by consent, admitted the reference of Senate bills on the Speaker's table. Among them was the bill to rearrange the circuit courts of the United States.

[This bill provides for consolidating the circuits composed of New Jersey and Pennsylvania, with that composed of Delaware and Maryland, and requiring Judge Baldwin to hold the circuit courts in the Delaware and Maryland circuit, so as to obviate the necessity of appointing a judge of the Supreme Court in that circuit, and thereby to extend the circuit system to the Western States.]

Mr. FOSTER suggested to the House the consideration of the question, whether it was worth the while of the House to refer this bill to the Committee on the Judiciary, inasmuch as that committee had already reported that it would be impossible for the House to act upon it during the present session. He moved to commit it to a Committee of the Whole on the state of the Union.

Mr. BEARDSLEY thought the bill too important to be acted on by the House without its first going through the investigation of a standing committee of the House.

Some conversation ensued between Messrs. FOSTER, MERCER, WILDE, THOMAS of Maryland, and CLAY.

At the suggestion of Mr. CLAY, Mr. FOSTER modified his motion so as to include the printing of the bill.

Mr. WILDE demanded the previous question; which motion was not, however, seconded by the House: Ayes 68, noes 74.

Mr. COULTER could see no reason why there should be any departure, in this case, from the ordinary course. The bill was a most important one, involving the lives and properties of thousands, and he hoped the House would not divest it of those protective proceedings which the rules had thrown around every such measure. He was in favor of extending every privilege enjoyed by the old to the new States, but not at the expense of the former. New Jersey, Delaware, and Maryland, had increased in population, and ought not to be deprived of any of their rights and privileges; and he entered his protest against it. The bill proposed a manifest act of injustice, and he trusted would undergo the strictest scrutiny in the standing committee of the House.

Mr. CARMICHAEL addressed the House as follows:

Mr. Speaker: I concur with my honorable friend from Pennsylvania, [Mr. Coulter,] in the opinion he has expressed in regard to the importance of this subject. It is entitled to the most deliberate action of this House. This bill from the Senate is designed to operate in a peculiar manner upon the rights and interests of the State in which I reside, and of which I am one of the Representatives upon this floor. I feel myself, therefore, called upon to protest against the adoption of the motion of the honorable member from Georgia, [Mr. Foster.] Its effect is to dispense with the usual routine of business, which secures to every measure, before it is submitted to the consideration of the House, a previous examination by one of its constituted organs, by one of its standing committees. Sir, why this haste? Why hurry this bill into the Committee of the Whole on the state of the Union? Where is the motive for all this precipitation? Deeply interested as are the people of Maryland in the result of this proposed alteration of the judicial districts of the United States, I must claim for the subject the most mature consideration. Sir, I have another reason for resisting this unusual and unnecessary proceeding. This measure proposes to accomplish one object; it reaches another by indirection. Its apparent purpose is to arrange the existing judicial districts, and to establish two additional circuits. It merges the district of Maryland and Delaware, and gives a circuit to the Northwest and the Southwest. But whilst it professes—and you know, sir, as it originated in the Senate, I cannot speak of the motives upon which it is based—it would be discourtesy to do so—whilst it professes to sink a district, its effect is to despatch a judge. Its effect is to relieve the Senate of a responsibility imposed upon them by the constitution. Sir, I understand the ready willingness of the honorable member from Alabama [Mr. Clay] to embrace this measure at once, to disregard the usual and established order of legislation here. It extends advantages to the people of the Southwest. It is enough for him to know there is a benefit held out to his constituents. He overlooks the consideration that it works a rank injustice to his friends elsewhere. I have no objection to extend the contemplated advantages to the West; but I cannot do it at the expense of my constituents. It was only by holding out this benefit, never before contemplated for the West, that it was hoped to effect this unjust purpose to Maryland. If this bill is to be adopted, I hope it may be required to pass through the usual routine. I hope it will be referred to the Committee on the Judiciary. But I must earnestly resist any proceeding, however presented, the manifest tendency of which is to impose upon this House a share of the responsibility devolved by the constitution upon the Senate of the United States; which will require of this House to dispose of executive nominations. And more especially, when the obvious effect of it is to affect injuriously the interests of Maryland, and to crush one of her most valued citizens. I hope the gentleman from Georgia will withdraw his motion to commit this bill to the Committee of the Whole House on the state of the Union.

Mr. CLAY disavowed any personal feeling on the subject. While, on the one hand, however, he was disposed to render strict justice to other parts of the Union, he stood there as the Representative of Alabama, and gentlemen must not expect him to abandon her interests.

Mr. GARLAND was convinced that the commitment of the bill to the Judiciary Committee would only tend to defeat or delay it. His only object was to secure the action of the House on this all-important subject.

Mr. CAGE adverted to the long-withheld justice which this House owed to the new States. He moved the previous question; but withdrew it at the request of

Mr. FOSTER, who made some explanatory remarks. He was surprised at the opposition which had been elicited by the simple motion which he had made. He avowed his intention of proposing certain amendments when the bill should come before the House. He then renewed, according to promise, the motion for the previous question.

[Here a discussion ensued on the nature of the previous question, as applicable to the present case. Mr. Speight thought the previous question would be the passage, but the Chair decided otherwise.]

Mr. CAGE then withdrew the motion for the previous question.

Mr. THOMAS addressed the House. He viewed the bill in the light of an attempt to destroy one of the worthy citizens of Maryland. Justice had been denied to that State by the proceedings in this matter, and he demanded, as one of her Representatives, that it should be rendered to her. Mr. T. had protested at the early part of the session, and subsequently, against acting upon this subject, because the facts were not fully in possession of the House, and he would appeal to the chairman of the Judiciary Committee to say if he was acquainted with all the circumstances involved, or had given the subject such an investigation as had put him in possession of the principles of the bill.

Mr. BARRINGER said, were it earlier in the session, he would have no objection to gratifying the gentleman from Maryland, by committing this bill; but he was convinced it would be impracticable to obtain the action of the House by this course. New Jersey, Delaware, and North Carolina, had very little business, and Virginia not a great deal, and he was quite sure that the judges could perform the additional duties imposed under this bill. He was quite sure that neither the chief justice nor Judge Baldwin would feel themselves unable to discharge the burdens under this bill. Mr. B. referred to what fell from one of the gentlemen from Maryland, that the advocates of the bill designed by it to destroy a distinguished citizen of Maryland, and Mr. B. disclaimed it for himself, and hoped such a suggestion would have no influence there or elsewhere. He supported the bill because he believed the measure it embraced was required by the wants of the new States. He was convinced there was no necessity for sending the bill to the Judiciary Committee, which would only postpone it till too late for action. Mr. B. asked for the yeas and nays; which were ordered.

Mr. REYNOLDS, of Illinois, remarked that the subject-matter of the bill was of great importance to the Western States, and on that account he hoped the most speedy action that was within the constitutional means of this House would be had on it. The importance of this measure to the State of Illinois, a part of which he had the honor to represent, and to the other Western States, would be demonstrated by the exertions of the honorable member from Maryland. That State, as he understood gentlemen, was to be put in the situation in which Illinois has been for many years past. Mr. R. observed that he was sorry he had not the ability and high standing of character which the honorable gentleman from Maryland possessed, who addressed the House, so he could use it in favor of the State and the rights of the State which he, in common with other members, represented. All of it should be employed, as the cause was worthy of it. Mr. R. remarked that he would be satisfied, almost in any manner, if equal principles and privileges were extended to the new States, as are enjoyed by the old. When we were admitted into the Union, there was an express recognition of that principle of equality, that we should be, in all respects, admitted on the same footing as the original States. The House of Representatives, and the Congress of the United States, have now the power to do the new States justice. And he appealed to the patriotism and the known integrity and honesty of the House to do the new States justice on this occasion. They expect it from your hands, and he sincerely hoped they would not be disappointed.

Mr. R. observed he had no intention to injure the States of Maryland, New Jersey, or even the little State of Delaware. Justice could be done to these States in the Committee of the Whole as well as in any other committee. Justice was what he hoped would be done to all the States on this occasion; equal benefits to one State as to another was his object. Let us, in the West, have the same order and grade of courts, and it is not much matter to us what they are, if the same grade and kind exist in the other States. We will be satisfied with old or young judges, with marshals or others, if a like sort is given to the other States. If the justices of the peace administered the law, and held the courts in the old States, he would be content with them in the new. But let us have equality on this subject, as it is our right, under the express recognition of it by the solemn act of the Congress of the United States, at the time we became one of the members of the confederacy. Justice and principle are in our favor, and the Congress of the United States have promised us an equal standing with the other States. And shall we not now expect it, when it is in the power of Congress to extend this principle to us on this occasion? Mr. R. observed he would not go farther into the principles and subject-matter of the bill, on this motion, as he understood the Speaker had so decided it in the case of another gentleman. The question then is, in what committee is it the most likely that these desirable objects will be attained? The time is so short in which to act on this subject, that it will delay it too long to go through the ordinary progress of legislation; and it may be remarked that the Committee on the Judiciary has already acted on this subject, and reported a bill. With this view of the subject, he considered it the proper course to commit the bill to the Committee of the Whole. In that committee justice can be done to Maryland and to all the States, which was, he remarked, his sole object in supporting the reference.

Mr. ROBERTSON said a few words on the character and qualifications of the present chief justice.

Mr. THOMAS again opposed the motion, and referred to a statement of the business in Baltimore, and also the opinions of the bar.

Mr. MERCER said a few words in reply.

The question was then taken by yeas and nays, as follows: Yeas 119, nays 82.

So the bill was committed to a Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. MANN moved that the House adjourn. Negatived: Ayes 78, noes 84.

AMENDMENT OF THE CONSTITUTION.

The question on engrossing the joint resolutions on the subject of the election of President and Vice President of the United States then came up.

Mr. GILMER said he had no wish that the resolution should be discussed at that time, and he had risen only to ask that the question on the resolutions and the amendment should be taken separately, and thereon he asked for the yeas and nays; which were ordered.

Mr. SPEIGHT said, like the gentleman from Georgia, [Mr. Gilmer,] it was not his intention to discuss these resolutions. He wished to suggest a single amendment, which was to strike out the word "four," and insert "six," as the extent of the presidential and vice presidential terms. He believed four years too short a period, where the duration of the office was restricted to a single term.

Mr. PINCKNEY asked for the reading of the resolutions; which were read.

Mr. BARRINGER regretted that his colleague [Mr. SPEIGHT] had thought it necessary to offer the amendment he had. Mr. B. had no intention of provoking a discussion on these resolutions, but he rose to express his entire dissent from the amendment. He was convinced that four years was sufficiently long for a good President, whose place might be supplied by other good men consecutively, and four years was abundantly ample, and rather too ample, for a bad President.

Mr. SPEIGHT asked for the yeas and nays on his amendment; which were ordered.

Mr. PATTON said he could not vote for the amendment of the gentleman from North Carolina, [Mr. SPEIGHT,] nor was he in favor of the amendment of the gentleman from Georgia, [Mr. GILMER.] He believed it to be a cardinal point in our institutions, that no worthy citizen should be disfranchised. That they should at all times be eligible to office, and to being returned to that office at the pleasure of the people. He accorded with the sentiment of the gentleman from North Carolina, [Mr. BARRINGER,] that four years was too long for a bad man to serve us as President; but he would add to that sentiment, as amendatory to its force and truth, that eight years was not too long a period to secure the services of a good man to his country.

The question on the amendment of Mr. SPEIGHT was decided in the negative: Ayes 41, nays 162.

Mr. PEYTON remarked that he did not rise to discuss the question of whether these resolutions were perfect in all their details, or not; if they were defective or ambiguous, they could be readily amended. This was the obvious course to be pursued by the friends of the principle which they contained. He very much regretted that his honorable colleague [Mr. POLK] should have presented any obstacles to acting upon the resolutions at this session. His colleague was opposed to immediate action, because the subject was one of great importance: at the same time he had informed the House that he had thoroughly examined the subject; that he had made his first speech upon this floor on it. Mr. P. could not understand why he [Mr. POLK] should throw his weight against considering the resolutions at this session. Has not this subject been earnestly recommended to the consideration of Congress, and to the consideration of the American people, by the President? Have not the resolutions now before the House been on our tables for months? Can it be possible that any member of this House, that any well-informed politician, that any American citizen, after all which has been said and written on this deeply interesting subject, has not formed an opinion as to the propriety or impropriety of securing to the people the right of electing the President and Vice President of the United States?

Mr. P. would deprecate as much as his colleague, or any other gentleman, a recurrence of an election of President by this House. He was desirous to make it impossible that it ever should recur. He was anxious to adopt such an amendment of the constitution as would put the question to rest. This is the doctrine of our party. It has been recommended and reiterated by the President. If gentlemen are in earnest, now is the time to show it. I call upon them to act out their doctrines, and stand firmly to their principles.

Sir, said Mr. P., I cannot shut my eyes to the signs of the times. There are some grounds for doubting whether gentlemen are altogether sincere in their professions of wishing an amendment of the constitution at this time. They profess to consider an election of the President by the House as the greatest of all political calamities. They carry their apprehensions so far as to contend, in effect, that, to avoid this danger, there shall not, must not, be but one candidate of our party. Yes, sir, that one man shall appropriate to himself, in the coming election, the entire strength of our overwhelming party. This is saying that all but one man of the great republican party in the United States is disfranchised, and that the mantle of its strength must fall upon his shoulders. Why, upon what ground is this argument built up? Because gentlemen say, by possibility, the election may devolve upon this House.

Sir, the name of Hugh Lawson White, of Tennessee, is before the nation, as a candidate for the presidency. He has been taken up by the people in their primary assemblies, and in their legislative assemblies, without any solicitation or agency of his own; and, having been thus presented, he will so continue, unless the same power which brought forward his name shall withdraw it. And, sir, there is another distinguished individual of our party spoken of as an aspirant to the same station. It is true he is not yet a candidate, and, as I understand his friends, he will not consent that the people shall have any agency in bringing him forward, but is waiting to be endorsed by a national caucus, before he comes into the field. This, sir, will present no difficulty to him. The endorsement will be made; it is already arranged; for it is universally admitted that none but his friends will attend the caucus. Now, as I understand the position of my honorable colleague, and those who act with him, the main reason which they assign for supporting the candidate of the caucus against Hugh L. White, is that, by possibility, the election may come into this House. Yes, sir, this is the pretext by which the people of the United States are to be induced to surrender their right of electing a President, or even to have the claim of any candidate which they may choose to present considered. Why must they make a surrender of their most important privileges? Because, forsooth, the constitution ought to be amended so as to give them more power. Let their representatives make the necessary amendments. But then there would be no pretext for a caucus—no necessity for a convention—no excuse for disfranchising any man—no argument to force Judge White from the field.

Sir, Judge White's friends are in favor of passing these resolutions for making the necessary amendments to the constitution, to prevent an election by the House in any event. Where are the great body of the friends of the caucus? They are found opposed to acting upon the subject at this session; and, before another meeting of Congress, the caucus will have done its service, and be in full operation. If gentlemen are earnestly in favor of the principles of these resolutions, let them present such amendments as will secure the great object, obviating all objections to their form. If they will not do this, let us hear no more about caucuses, and the exclusive rights of one man to the immense power of the republican party.

Mr. POLK said: Mr. Speaker, it is certainly most foreign from my expectation that I should be called out into a field of discussion, not in the slightest degree alluded to by me; no, sir, I repeat, not in the slightest degree. I rose only to suggest what I supposed I had discovered to be an important omission in the draughting of these resolutions; and it was conceded by the honorable chairman of the committee [Mr. GILMER] which prepared these resolutions, that it was an omission. Conceiving, then, that this was a defect, I had draughted an amendment to supply it, and at the proper time intended to submit it to the House; but the honorable gentleman at the head of the committee said that he would himself, in a little time, prepare an amendment. Under the supposition the gentleman would do it, I was willing to give him the preference, intending, if it should not appear so perfect as I might conceive my own to be, then to submit mine to the House.

Mr. Speaker, I have been too long a member of this House to suffer myself to be drawn out into a partisan debate, not necessarily connected with the subject before us. There are occasions enough when most of us may be unwarily drawn into that character of debate upon the discussion of great and important questions; and not unfrequently all of us, when we come to reflect, regret it, and those who occasion it regret it, not the least. In regard, sir, to the particular position I occupy here, I am responsible to no man here. I am responsible, sir, to those who sent me here; to those confiding, liberal, and patriotic, constituents whose commission I have held for the last ten years; and whose confidence has never been withheld from me; and permit me to say, sir, I have as yet no evidence that it will be. Here, I am responsible to myself in what manner I shall act upon all questions; and whatever may be the consequences, personally, to myself, upon these convictions I will stand or fall.

Mr. Speaker, I need add nothing more than that I am ready to co-operate with any and every gentleman in making these resolutions as perfect as possible. I cannot be misunderstood here, nor elsewhere, in regard to my views upon this great question; for they have been too often expressed in debate, and the journals of your House will testify what my former course has been. I will only add, sir, that as my opinions are unchanged upon this question, so shall my vote be unchanged.

Mr. PEARCE opposed the resolutions, as calculated still more to narrow the powers of the small States; he was now of the opinion he entertained in 1826, when this subject was under discussion, and when the discussion lasted more than six weeks. I will bear the gentleman out who has just taken his seat, [Mr. Polk,] in all he has said as to the part he then acted. You were not then, Mr. Speaker, (said Mr. P.,) a member of this House. I was opposed then, as I am now, to what is proposed by these resolutions. The House has overruled me in the only amendment to the constitution I would ever agree to. I would agree to limit the presidential term to six years, and render the incumbent ineligible at the expiration of his term. We have been told of the different flags that we shall be called upon to fight under, and that the White flag has been raised, and this, too, as a reason for altering the constitution of the United States. He might be in favor of the White flag, if there should not be found too many black spots in it. The flag which he should rally round would be the flag of democracy. But because, as the gentleman from Tennessee [Mr. Peyton] has told us, and why at this time I do not (said Mr. P.) know, there are to be no candidates in the field of the same party, he saw no reason why Rhode Island should give up even the contingent power which she had, though the exercise of it might not devolve upon her more than once in one hundred years. He called upon every New England State to come to the rescue; for if they were not now all small in fact, they were comparatively so; and in a very few years all of them would be considered small. He would summon to his aid all the small States in the Union, and say to them, that although he might dread an election of President of the United States by the House, not to alter the constitution, so as at all events, and under all circumstances, to prevent an election by the House. The small States had suffered enough in consequence of the alteration of the constitution, by the result of the contested election in the case of Jefferson and Burr. This was the effect of a temporary excitement, natural enough, but when special legislation or action is followed by it, the consequences are not always salutary or agreeable. How (said Mr. P.) did Rhode Island stand in 1800? One of her electors (and she was entitled to but four) could settle the question between A and B, and determine of the two which should be President. That power or right is taken from us, or we have parted with it. Now, sir, the two Representatives in this House from Rhode Island may decide who shall be President, and we are called upon to surrender this power. I can agree to nothing of the kind. I am opposed to these resolutions, one and all, and since 1826, when my opinion was at length given, my mind has undergone no change.

Mr. BURGES said he wised to see this subject divided; for, in its present shape, it was incompatible with his views. On the subject of the first proposition, to render the Chief Magistrate eligible for only one term, he should be in the affirmative; but on the second proposition he was, and should ever remain, in the negative. It swept away all the reserved rights of the less States, which, he contended, in the spirit of our institutions and our original compact, should for ever remain inviolable. Mr. B. pursued his argument at some length.

Mr. GILMER then proposed to supply the omission by inserting the following: "according to the rule now fixed by the constitution."

Mr. POLK proposed so to amend it as that each State should be entitled to the same number of electors as members of Congress.

Mr. GILMER withdrew his own amendment, and accepted Mr. Polk's.

Mr. WISE remarked that, even if it were an omission, it did not repeal the existing law, which was sufficiently explicit.

Mr. POLK replied that it might hereafter give rise to great disputes.

The amendment was agreed to.

Mr. GHOLSON then moved an amendment to allow the people an unrestricted choice of a successor, in case of the death of a President.

Before the question was taken,

The House adjourned.

Thursday, February 26.

HARBOR BILL.

The bill making appropriations for the Delaware breakwater, for certain harbors, and removing obstructions in and at the mouths of certain rivers, for the year 1835, was taken up.

Mr. McKAY moved to amend the bill so as to prevent any extra allowance or compensation to any officer of the army on account of services performed under the provisions of the bill; which was agreed to.

Mr. BARBER moved to amend the bill by inserting an appropriation of $25,000 for the improvement of the navigation of the river Thames, in the State of Connecticut, and demanded the yeas and nays on his motion; which were ordered, and were: Yeas 63, nays 115.

So the amendment was rejected.

Mr. HAWES moved to amend the bill by inserting $20,000 for the improvement of the navigation of Green river, in the State of Kentucky; which was negatived.

Mr. TRUMBULL moved to insert in the bill the sum of $25,000, for the purpose of deepening the channel at the mouth of Connecticut river.

Mr. T. said that a survey had been made of the mouth of Connecticut river, in reference to the proposed improvement, together with an estimate of the necessary expense, from which it appeared that the obstructions might be removed at a cost not exceeding $50,000.

Several favorable reports of committees had from time to time been made upon this subject, and a similar appropriation passed both Houses of Congress at a former session, but failed to receive the approbation of the Executive, in consequence of its being comprehended with other appropriations in a bill to which he entertained objections. Mr. T. said that the Connecticut river was navigable for sea vessels about sixty miles, and for boats three hundred—passing through two States, and forming the entire boundary line between two others; that large sums of money had been already expended by incorporated companies in valuable improvements upon this river. That a great quantity of goods and produce was annually transported over land, the natural course of which seemed to be upon the river. That, in addition to the ordinary navigation upon the river, there was, during the summer months, a daily line of steamboats between New York and Hartford, whose progress was not unfrequently interrupted, and the passengers delayed at the mouth of this river. He further stated it as the opinion of engineers and other competent men, that, by removing the bar at the mouth of the Connecticut, a capacious harbor would be formed, within which might safely ride one thousand vessels; situated about equidistant between New Haven and New London, and adding greatly to the convenience and security of all vessels passing through Long Island Sound. He said the Connecticut river valley contained nearly one million of industrious, enterprising citizens, whose indefatigable exertions in the various employments of life would amply compensate the Government for any facilities granted to them. He also alluded to the appropriation of $150,000, granted at the last Congress to remove a similar obstruction in the Hudson river, one hundred and fifty miles above its mouth. He claimed that, if the contemplated improvement was viewed with reference to internal trade, the convenience and safety of our coast navigation, the comparatively small expenditure of money, or the number of individuals to be accommodated, it would be found an object peculiarly demanding the favor of Congress; and that there could be no objection to the manner proposed for the accomplishment of this object, that did not equally exist to the amendment in the same bill, whereby $50,000 had already been appropriated for the improvements of the Ohio river.

Mr. **JACKSON** remarked that the parties on the great question of internal improvement were so strongly discriminated in that House, as well as in the nation, that, while he had no right to expect aid or favor from the enemies of the system, he certainly had the strongest claims upon its friends to afford their countenance and support to the amendment offered by his colleague. It was time that the point should be understood and settled, how far the friends of internal improvement in that House might depend upon each other for mutual support. The Connecticut delegation had uniformly sustained the cause in both branches of the Legislature, and had cheerfully and disinterestedly voted appropriations of public money for meritorious objects of this nature in all parts of our common country. That State had, however, thus far shared very little in the benefits of the system, and if the reasonable claims which they now preferred were not worthy of the favorable consideration of Congress, they could scarcely hope ever to entitle themselves to it, by any which they could present hereafter. This application was not new to the House; it had received the favorable notice of the Committee on Commerce, who had provided for it in another bill now on the table, upon which any action of the House was, at this late period of the session, very uncertain. Nor could it be regarded as strictly a new and original work, as upon the surveys which had been actually made and submitted to Congress, a bill had heretofore passed both Houses, appropriating the sum now asked, which was rejected by the Executive, not on account of the demerits of this particular provision, but because the bill happened to embrace other and very different objects which the President deemed exceptionable.

It was well known (Mr. J. said) that an active and extensive commerce was carried on upon the Connecticut river, flowing, as it did, through an extensive, cultivated, and thickly peopled country; and he would add that very large expenditures of money had been made by the private enterprise of a company incorporated for the improvement of its navigation; all of which were frequently rendered fruitless by the obstructions at its mouth, vessels being very often detained from putting to sea by the shallowness of the water on the bar, which formed a serious obstacle to the successful prosecution of foreign trade. It was true that Connecticut could not vie with some of the great and fertile States of the West, or present to this House such magnificent pictures of the rich freight which was carried down its waters, but it would be perceived that they regulated their claims accordingly; and, while other States received from the treasury vast appropriations for internal improvements, Connecticut had limited her demands to a sum which every one must deem moderate in proportion to her contributions to the national revenue. If, then, a claim heretofore recognised by Congress, liable to none of the objections or scruples which the present Executive entertains respecting other classes of internal improvements, but, on the contrary, coming entirely within the rules which he has laid down, should not receive the aid of the friends of the system here, it would be a just cause of complaint to the people of Connecticut, who cannot be expected, through their delegation, to continue the support of a policy whose operation is so unequal; which exacts from them a full measure of contribution to the national treasury, yet denies, in its distribution, a fair and impartial return. In this House the numerical influence of a small State might not have much importance; but gentlemen should recollect that there was another body in which their influence could and would be felt, by withholding all support to objects of this kind, until a more just and equitable principle should prevail of proportioning the disbursements of public money to the amount of revenue contributed. He trusted, therefore, that unless it could be shown that this appropriation was larger than the State of Connecticut had a right to claim, by comparison with those constantly made in favor of other States, or that the object contemplated was not so important as it had been represented, the friends of internal improvement, from whatever section of country they might come, would feel the justice and policy of sustaining the proposed amendment.

The amendment was supported by Messrs. **MERCER** and **BURGES**, and opposed by Messrs. **PEARCE**, of Rhode Island, and **SPEIGHT**, when

Mr. **MILLER** moved the previous question; which was seconded: Yeas 91, nays 69.

Mr. **H. EVERETT** demanded the yeas and nays on the previous question; which were ordered.

Mr. **EVANS** moved to lay the bill on the table, and demanded the yeas and nays on his motion; which were ordered, and were: Yeas 81, nays 135.

So the House refused to lay the bill on the table.

The question, "Shall the main question be now put?" was taken, and decided in the affirmative: Yeas 109, nays 104.

Mr. **CHINN** called for the special order of the day, being the bills reported by the Committee on the District of Columbia.

Mr. **CAMBRELENG** suggested the propriety of first taking up a message from the President of the United States.

After some conversation between various members, by general consent, the special order was postponed for one hour.

FRENCH RELATIONS.

The **SPEAKER** then laid before the House the following message from the President of the United States:

To the House of Representatives of the United States:

I transmit to Congress a report of the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister; and of all the late correspondence with the French Government, in Paris or in Washington, except a note of M. Serurier, which, for reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France, with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

The subject being now, in all its present aspect, before Congress, whose right it is to decide what measures are to be pursued in that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country, which the occasion requires.

ANDREW JACKSON.

Washington, *Feb.* 25, 1835.

The reading of the message and documents having been begun and concluded, being heard with profound attention,

Mr. **CAMBRELENG**, chairman of the Committee on Foreign Affairs, presented the following resolutions, by the wish, as he stated, of a majority of the members of that committee, and moved that they be printed: without, however, any wish that they should be considered to-day.

Resolved, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France, on the 4th of July, 1831; and that this House will insist upon its execution, as ratified by both Governments.

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals, on the commerce of France.

Resolved, That preparations ought to be made to meet any emergency growing out of our relations with France.

Mr. **EVERETT**, of Massachusetts, rose to inquire in what form the message of the President, with the accompanying documents, had been disposed of.

Being informed by the Chair that they had not yet been disposed of in any form,

He moved that they be referred to the Committee on Foreign Affairs. He said that, when the resolutions moved by the honorable gentleman from New York [Mr. Cambreleng] were read, he understood them as having been offered by that gentleman in his private capacity as a member of the House, and not as resolutions of the committee; for he believed the committee had not been called together.

Mr. **CAMBRELENG** expressed his hope that the gentleman from Massachusetts would withdraw his motion for reference of the message and papers. The gentleman would observe that one of the resolutions was for the discharge of the committee from the further consideration of the subject, that it might be in the hands of the House. He had moved the resolutions, as he had stated on presenting them, by the wish of a majority of the members composing the committee, and not as a measure of his own.

Mr. **ADAMS**, of Massachusetts, offered the following resolutions, by way of amendment to the resolutions moved by Mr. Cambreleng:

1. *Resolved,* That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought in no event to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United.

2. *Resolved,* That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.

3. *Resolved,* That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time.

Mr. **CAMBRELENG** moved to postpone the further consideration of the whole subject until to-morrow.

Mr. **EVERETT** said he should not delay the action of the House further than to ask its permission, since the gentleman from New York, at the head of the Committee on Foreign Affairs, had offered three resolutions, expressive of the views of a majority of that committee, (although the subject had not, to his knowledge, been yet acted upon in the committee,) that he, together with two other members of the committee, might send to the Chair a paper containing their views also; and that this might be printed, together with the other resolutions.

Mr. **CAMBRELENG** hoped they would be printed.

[There was much sensation in the House: many cries of "No! No!" and others of "Yes, certainly! print!"]

Mr. **ARCHER** observed that this mode of proceeding, even according to the respective avowals of the gentleman from New York [Mr. Cambreleng] and the gentleman from Massachusetts, [Mr. Everett,] was entirely irregular. The gentlemen respectively presented to the House the imbodied views of a majority, and also of the minority of the Committee on Foreign Affairs, requesting that they might be printed; yet, in the same breath, they informed the House there had been no action in the committee, and that the subject had not been considered in it.

Mr. **CAMBRELENG** explained. The committee had had the subject under consideration for more than a week past, although the presentation of the resolutions he had offered had not been determined on in committee, but only by the separate agreement of a majority of its members.

Mr. **ARCHER** had not the least doubt that the subject generally had been before the thoughts and consideration of the committee all the session; but there had been no definite action of the committee in relation to it; and now resolutions were agreed to by members separately. The proceeding, he repeated, was, in the highest degree, irregular; and he thought that none of the resolutions presented under such circumstances ought to be printed by the House. Let the message and documents be referred to the appropriate committee; and to-morrow let the House have such resolutions as the committee might judge it proper to adopt. Surely, on a subject of such dignity and great national importance, the ordinary forms of the House should not be dispensed with. He was desirous of no delay. The committee would certainly meet in the morning, and then the House would receive their matured views of the whole case, as further illustrated by the message and documents just received. This was the proper, the appropriate, the parliamentary, and the dignified course of action, and he hoped it would be adopted.

Mr. CAMBRELENG said he would adopt the suggestion of the honorable gentleman from Virginia. His only object had been the saving of time, inasmuch as there were now but a few days left of the session. The committee have had the general subject of our relations with France before their consideration during the whole session, and it was but a week since they had instructed him to report, substantially, the same resolutions as he had now offered to the House. But, on the same day on which he was to have performed that duty, important intelligence had been received, which had produced a delay in the presentation of the report. The committee had waited only for an official communication, which, having been now made, the resolutions, after being slightly modified, had been, by agreement of a majority of the committee, laid before the House. Mr. C. moved that the message and documents be referred to the Committee on Foreign Affairs; and that the resolutions, as well those offered by Mr. Everett as by himself, might be printed.

Mr. ADAMS said that, as the chairman of the committee had assented to the course indicated by the honorable gentleman from Virginia, [Mr. Archer,] he had to request that the amendment he had offered might also be printed with the others.

Mr. COULTER (a member of the committee) considered the course suggested by the honorable gentleman from Virginia [Mr. Archer] as certainly the most orderly and parliamentary, and the most proper way, in every view, of disposing of the papers from the Executive. But Mr. C. could see no necessity or propriety in printing the resolutions which had been offered; and for this reason: as the subject had been sent to the committee, it was impossible for the House to say, or officially to anticipate, what the result would be of the committee's deliberations. It was, indeed, very likely that the resolutions which had been offered, or something very like them, would be adopted; but it appeared to him wholly irregular and anomalous to print resolutions offered beforehand, when the subject to which they related had been referred to a committee. He thought the whole of the documents ought to go to the committee, and there was no question but what that committee would report without loss of time.

He would add one word as to the course which had been pursued in the committee. There was no disposition on the part of a portion of the committee to find fault with what had been done by their colleagues; all that had been done, had been done in a spirit of harmony and mutual good understanding. But, at the same time, the course now adopted by the honorable gentleman from Massachusetts [Mr. Everett] was the only course which circumstances left to him. It was very true that, three days since, a majority of the committee had agreed to a report, to be made in the name of the committee to the House; but gentlemen constituting a minority of the committee had also agreed upon a different report to be offered by them separately: a report not very materially differing from that of the majority, but having a somewhat different form and aspect. But soon after the committee had adjourned, the recent news had reached the country; in consequence of which no report had been made. The honorable gentleman from Massachusetts could not, of course, present the report of the minority; the committee had not, since that time, been called together; but the chairman had gone round to the members individually, and obtained the assent of a majority to the resolutions he had reported. Of course, no opportunity was left to the gentleman from Massachusetts to offer the views of the minority than the present, which he had consequently embraced as the first presented to him. He hoped, if the resolutions offered by the honorable gentleman from New York [Mr. Cambreleng] were to be received as the report of a majority of the committee, those presented by the gentleman from Massachusetts [Mr. Everett] would in like manner be received as expressing the views of the minority.

Mr. PATTON (another member of the committee) said that he had not been present when the committee met, and he wanted to know whether the resolutions offered by the chairman had been agreed upon since the reception of the documents now communicated. He had supposed that the resolutions were offered by the gentleman from New York as his own; they had been shown to him, a short time since, by that gentleman; but he had understood that it had been for his reflection and consideration. As to those offered by the honorable gentleman from Massachusetts, [Mr. Everett,] he had never seen them. He was therefore in a predicament such as rendered it impossible for him to give his sanction to either at this time. He was ready for the consideration of them when they should come up in order; in what way they were brought before the House he little cared.

Mr. LETCHER (another member of the committee) rose to suggest that it would be best for all parties to withdraw the resolutions they had offered, for the present; to-morrow, when the committee had considered the subject, they would offer them again, if still so disposed. Possibly, a consideration of the correspondence which had now been submitted to the House might lead them to a different result. It would be most prudent not to do any thing until the committee had met.

Mr. CAMBRELENG said it would give him great pleasure to comply with the suggestion of his colleague on the committee. It was due to himself to state that he had submitted the resolutions he had offered to every member of the committee yesterday. The same, indeed, as he had stated, had been adopted by the committee when together; they were only a little altered in point of form. If he had heard any objection from any member of the committee, he should not have presented them. He had never seen or heard of any report of the minority till now. Mr. C. then withdrew his resolutions.

Mr. EVERETT explained. He had not objected to the presentation of the resolutions by the honorable chairman. All he had asked was, that if they were received by the House, those which he had prepared, as expressive of the views of the minority, should be received also. As to what the honorable gentleman had just remarked, about never having seen or heard of any report, on the part of the minority of the committee, until now, the gentleman's memory must most certainly have deceived him. The gentleman had at least heard of such a report, for he (Mr. E.) had himself suggested that it would be best to report it to the House in conjunction with that to be reported by him.

Mr. CAMBRELENG replied, if it was so, it must have escaped his memory.

Mr. ARCHER complained of these discussions, as being out of order.

Mr. McKINLEY said that it had been moved to print the message and documents; but if it was intended (as would appear from the resolution offered by the gentleman from Massachusetts) to recommend to the President to continue to negotiate, he would ask whether the printing of these papers was likely to facilitate that object. He could not see that any thing was likely to be gained by printing them. If the resolutions were all to be postponed until after the committee had deliberated on the communications now submitted to the House, and had recommended what measures the House should adopt, why print the documents in the meanwhile? Surely such a step would not further the design of continuing to negotiate, and to preserve amicable relations with France. He thought it might be good policy not only to abstain from printing these papers for the House, but even to prohibit their being printed in the newspapers, until the committee should have had time for their inspection, and for full deliberation on their contents. He hoped the printing would not be ordered. He moved to divide the motion to refer and print, so as to take the question in the first place on the reference only.

Mr. ADAMS said that, as the resolutions offered by the gentleman from New York [Mr. Cambreleng] had been withdrawn, the withdrawal of the amendment he proposed would follow of course.

The **SPEAKER** said the amendment fell, the resolutions having been withdrawn.

Mr. SUTHERLAND thought, perhaps, it would be as well for the House to postpone printing the correspondence until the report from the Committee on Foreign Affairs had been made, which would be to-morrow, so that the correspondence and the report of the committee might go out together.

Mr. CAMBRELENG withdrew his motion to print the message and documents.

The motion to print having been withdrawn,

Mr. WATMOUGH rose and said: Mr. Speaker, whatever may be my own opinion with regard to the correspondence we have just heard read, I do not propose to express that opinion at this time; it would be unseasonable, and quite improper. I rose simply to renew the motion to print, which has just been withdrawn. I think, sir, that much greater injury would result to all the great interests of the country from the *ex parte* statements which would be the inevitable consequence of the determination to withhold the information we have just received, than can possibly arise from a full perusal of these documents. I therefore renew the motion to print.

Mr. WILDE stated to the House that the printing of all the papers had already been ordered by the Senate.

Mr. JONES, of Georgia, was in favor of the printing. The Committee on Foreign Affairs were to report to-morrow measures founded in part on these papers, and the House ought to have the whole before them. Could the gentleman from Alabama [Mr. McKinley] expect that, after these documents had been read at the Clerk's table, the editors of papers would abstain from noticing them in the public prints? It was impracticable now to keep them concealed; nor, were it otherwise, would their concealment be desirable or proper.

Mr. ADAMS said he hoped the gentlemen who were opposed to the printing would withdraw their objections. If the object was to avoid excitement, an attempt to conceal the papers would counteract it effectually. The public mind would be far more excited by knowing that they had been received but withheld, than by their publication. Indeed, he saw nothing in these documents to cause much excitement beyond what already existed. He hoped they would be printed.

Mr. LYTLE said that if there was any mischief to grow out of these papers going before the public eye, it was already done, by the reading of them in the hearing of the reporters and of the vast concourse which at that moment crowded the galleries of the hall. As a cure for the evil, he proposed that the resolutions which had been offered should be referred to the Committee on Foreign Affairs, with instructions to report them to the House.

The **CHAIR** pronounced the motion out of order; the resolutions were not before the House.

Mr. McKINLEY said that, as the printing had been ordered by the Senate, he should of course withdraw his opposition to the documents being printed for the House.

Mr. BURGES hoped the papers would be printed. He saw nothing in them to excite the public mind. They had been openly communicated to the House, with no injunction of secrecy; and why should the House attempt to withhold them from the nation? He thought the House should on this, as on all other matters, proceed step by step with the other branches of the Government.

The printing was ordered.

DISTRICT BILLS.

The House proceeded to the special orders of the day, viz: the bills relating to the District of Columbia.

The House then went into Committee of the Whole, (Mr. Mann in the chair,) and took up the bill concerning the orphans' court, in the county of Washington.

Mr. JOHNSON, of La., moved an amendment providing that the register of wills should not act except in the absence of the judge of the orphans' court.

After some conversation, Mr. J. withdrew the motion; and the committee rose and reported the bill without amendment; when it was ordered to be engrossed for a third reading.

Mr. CHINN moved to suspend the rule, in order to have the Senate bill for the benefit of the cities of Washington, Alexandria, and Georgetown, read a second time; and, thereupon, the yeas and nays were ordered.

Mr. JARVIS moved a call of the House.

Mr. CHINN withdrew his motion, and moved that the House go into committee on certain bills relating to the District of Columbia.

Mr. THOMAS, of Md., requested the gentleman from Virginia to except from the motion the bills for a renewal of the charters of the banks of the District.

Mr. CHINN and **Mr. VANDERPOEL** urged the propriety of renewing the charters, as proposed.

Mr. THOMAS was unwilling, he said, to act on the subject, until a thorough and searching investigation had been instituted into the manner in which the concerns of these banks had been managed. There was no time to consider the subject at this session, and three months of the next session must elapse before it will be necessary for the House to act on the subject. He moved to except from the motion all bills relating to the District banks.

Mr. BEARDSLEY concurred in the views of the gentleman from Maryland.

Mr. McKENNAN thought, he said, that the charters of the banks which had not suspended specie payments ought to be renewed now, including the deposite banks. As to the banks which had suspended specie payments, it was only proposed to renew their charters one year, in order that a thorough investigation may, in the mean time, be made as to their condition and management.

Mr. THOMAS called for the yeas and nays on his motion, and they were ordered.

The question being taken, the motion was rejected: Yeas 102, nays 66.

So the bills relating to the District banks, were excepted from the motion to go into committee.

The House then went into Committee of the Whole on the remaining bills included in the motion, (Mr. Pierce, of New Hampshire, in the chair.)

The bill to incorporate the Alexandria Savings Company was taken up.

Mr. GILLET moved to strike out the enacting clause.

The reading of the bill being called for, it was read by the Clerk.

Mr. VANDERPOEL explained the nature of the proposed institution.

Mr. GILLET thought that it would possess all the objectionable features of a bank—a monopoly. It was decidedly such an institution as the people of this country have, with a loud voice, condemned; and it was the duty of Congress to carry out the views of the people.

Mr. CHINN denied that this institution partook, in any degree, of the character of a bank; and defended the bill.

Mr. MANN, of New York, was apprehensive that, if his colleague [Mr. Vanderpoel] would more closely examine this bill, he would discover that it was essentially a savings bank; but he was unwilling to deprive the city of Alexandria of the benefits of our legislation. He hoped his other colleague [Mr. Gillet] would withdraw his opposition, and suffer the bill to pass, after some slight amendment.

Mr. VANDERPOEL replied. He said if the motion to strike out the enacting clause should not prevail, it was his intention to offer an amendment to the bill, to meet the scruples of his colleague, [Mr. Mann.]

Mr. HUBBARD expressed his utter surprise at the evidence of the slightest opposition to this bill. Such institutions had been of immense benefit to the country, in enabling the poor to lay up their scanty earnings. This he had witnessed in his own neighborhood, and he hoped the motion would not prevail.

Mr. FELDER referred to instances in which the managers of such establishments had been guilty of the grossest abuses. He expressed himself opposed to the whole class of these institutions. They were too often bottomed in fraud and swindling.

Mr. FILLMORE proposed an amendment to the third section, providing that no notes should be made payable to the directors. He then proceeded to defend the nature of the proposed incorporation. He deemed it emphatically the poor man's bank, in opposition to the rich man's monopoly.

Mr. POLK spoke against the passage of the bill. He saw nothing in its nature to prevent the investment of the funds of capitalists for purposes of speculation. Neither did he see any injury that could result to the community by its postponement to another session.

Mr. PARKER went into an examination of those institutions. He was opposed to the bill, and thought the amendment of the gentleman from New York [Mr. Fillmore] would not remedy it.

The amendment of Mr. FILLMORE was then agreed to; and Mr. F. then submitted another, relating to the amount of loans and deposites to be made by the company to and by a single individual, limiting the same to $500.

Mr. HARPER spoke in general terms in favor of savings institutions; but he believed the amendments proposed were not entirely sufficient to secure this one from abuse.

Mr. MANN, of New York, said a few words in explanation of the features of the bill.

Mr. GILLET again addressed the House in opposition to the bill, and in favor of his motion to strike out the enacting clause.

Mr. FILLMORE then withdrew his amendment, in order to avoid further discussion.

Mr. PLUMMER said he could not permit the occasion to pass without expressing his decided disapprobation of adding another to the list of banks in this District. He was opposed to corporations of all kinds conferring on a company of men exclusive powers and privileges which were not and could not be enjoyed by the great mass of the people. It was incompatible with that equality of rights intended to be secured by our Government to its individual members. This act of incorporation is said to be for the benefit of the poor man, of the laborer, of the mechanic—a savings institution for the accommodation of the widow and the orphan. Who are these poor men, and who are they that desire this act of incorporation for the safe keeping of their earnings? Are there any petitions on our table from the mechanics and laborers of Alexandria, asking for this charter? Do they acknowledge themselves incapable of managing their own private concerns? Do they desire us to appoint for them guardians over their pecuniary affairs, vested with extraordinary powers and privileges, by which they can control the whole labor and industry of the country? If so, it is evidence conclusive that they do not understand their own interests, or that they need a guardian in fact. It is called in the bill a savings institution, innocent in itself, say gentlemen, and can do no harm. That is but another name for a bank. It is in fact a bank. It is even worse than a bank, because it carries deception on its face. It is an enemy to the laboring portion of the community in disguise. It is a wolf in sheep's clothing. It is a snake in the grass. He could compare the difference between that bill and a bank charter to nothing more appropriate than the difference between a snake in the grass and an open, bold, and avowed enemy. The gentleman from Baltimore thinks there is no danger in it, if conducted by honest men. He (Mr. P.) knew nothing of the standing or character of the individuals named in the bill, nor did he care whether they were honest or dishonest; that would not change the principle. If honest, it was no reason why they should have conferred on them powers and privileges not granted to the rest of the community equally honest. If dishonest, this act would legalize their conduct. It would authorize them to swindle according to law. The very act itself would be to all the world, to the unsuspecting and confiding laborer, a certificate of honesty and good character. Were the members of the committee prepared to certify to their good character, and in consideration thereof pass a law enabling them to collect the hard earnings of the working men, all of their spare cash, into one large mass, and grow fat on the proceeds, without labor? Such would be the result. Because the individuals named in the bill, and those who might become members of the corporation, were honest, that was no reason why the industry of the country should be under their control, which was the inevitable result of all banks. He thanked the gentleman from Maryland [Mr. Thomas] for a suggestion in relation to the manner in which a similar institution was once got up that came under his observation. Out of the whole number of president, directors, and company, there was not a solvent man among them. Their sole object was to get the money of the neighborhood under their control, and thereby provide some of themselves with a living without labor, as presidents, cashiers, and clerks, and enable others to live by speculating on the accommodations granted to themselves. Such disinterested patriotism and devotion to the interests of the poor, as gentlemen pretended actuated those who had applied for this charter, he had no confidence in. Instead of taking care of the hard earnings of the poor man, their object was to live on the industry of the country without labor, and make those who earn their bread by the sweat of their brow labor for them. That was the true character of the bill. Instead of a saving machine, it would, in all probability, turn out to be a swindling machine, as a similar institution in Baltimore did last winter, adverted to by the gentleman from South Carolina, [Mr. Felder.] When that institution blew up, nearly the whole of the funds were in the hands of a few of the directors, who purchased the certificates of deposite from the widow and the orphan, and those poor men for whose benefit the charter was granted, at forty or fifty per cent. below par, and paid them with the very money which they had induced them to place under their charge for safe keeping, and discharged their own debts to the institution with their certificates at par. Instead of a benefit, it would operate as a tax on the people of Alexandria. Such was the natural consequence of all such licensed monopolies. There is no limit as to the amount of capital, and the fact urged by those who support the bill, that the corporation have no express power to issue notes and bills, does not do away the main objections. The authority given to regulate the issuing certificates of deposite and the mode of transferring them, confers on the corporation indirectly all of the powers which are conferred by bank charters directly. He would not permit himself to be drawn into a discussion of the details of the bill at that late hour. It would not bear investigation. The more it was examined the worse it would appear. It was sufficient for him that it conferred on a body of men exclusive privileges; that it was such a legalized monopoly as he was opposed to in principle. He thought that the surplus money of the mechanics and laborers of Alexandria had better remain in their pockets, or be loaned to responsible private individuals, whose whole property was liable for the payment of the principal and interest, and not to an irresponsible corporation. If they place their money in an institution such as is proposed by this bill, a portion of it must necessarily stick to the hands of the officers and directors as it passes through the machine. They would never get it all back again. The institution would have to be sustained, and the officers supported, at their expense. He repeated that it was a bank in disguise, and of the most odious character, as would be discovered on examination, and calculated to deceive the people. He should vote for the motion of the gentleman from New York, [Mr. Gillet,] to strike out the enacting clause, and hoped that it would prevail.

Mr. **CHINN** owed it to the applicants to defend their reputation. They were unimpeachable, and he believed their intention to be unexceptionable.

Mr. **HARPER** expressed his conviction that the bill contained many defects.

The motion to strike out the enacting clause was agreed to.

The bill making appropriations for the support of the penitentiary for the year 1835 was then considered and laid aside.

REVOLUTIONARY BOUNTY LANDS.

The bill granting an additional quantity of land for the satisfaction of revolutionary bounty land warrants was taken up.

Mr. **PARKER** opposed the bill, and expressed a wish to express his sentiments at large on the subject. But, owing to the lateness of the hour, he moved that the committee rise and report progress on all the bills acted upon.

Mr. **J. Y. MASON** said, if the motion prevailed, the bill would be defeated, and he was perfectly willing to meet the gentleman's argument now. He hoped the committee would not rise.

Mr. **POLK** stated that there were now four or five hundred thousand acres of land needed to satisfy existing bounty land warrants.

After some remarks from Messrs. **J. Y. MASON, VINTON, HUBBARD, CLAY, EVANS**, and **MERCER**, principally upon the order of proceeding,

Mr. **PARKER** withdrew the motion, and proceeded to speak in opposition to the bill.

The committee then rose, and reported the above bills, with the exception of the last bill, and they were ordered to be engrossed for a third reading.

The House then adjourned.

Friday, February 27.

RELATIONS WITH FRANCE.

Mr. **CAMBRELENG**, from the Committee on Foreign Relations, made the following report; which was read:

"The Committee on Foreign Affairs, to which was referred so much of the President's message as concerns our political relations with France, and the correspondence between the ministers of the two Governments, submits the following report:

"At an early period of the session the committee took into consideration the question of authorizing reprisals, and continued from time to time to discuss various motions and resolutions, submitted by its different members. They could, however, concur in no proposition; and, in that condition, a majority deemed it expedient to postpone their decision till further intelligence should be received from France. The committee had, within the week past, twice instructed its chairman to report resolutions, but the arrival of additional intelligence caused a suspension of these reports until an official communication should be received from the Executive. That communication places the relations between the two countries in a novel and interesting position. While there is satisfactory evidence that the French Government earnestly desires that the appropriation for indemnity should be made in pursuance of the stipulations of the treaty, and while there is reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States, it is, on the other hand, to be feared that the conduct of that Government has placed us in a position at least embarrassing, even should it not produce an entire suspension of diplomatic intercourse between the two nations. In this new position of our relations, it is deemed expedient to dispense with further discussion on the subject of non-intercourse with and reprisals on the commerce of France, to which the attention of the committee had been directed, and to leave the question of our political relations with that Government to the next Congress, whose action will no doubt be governed by the course which France may deem it expedient to pursue. We are not yet informed what may have been the decision of the King of the French as to the dismissal of our minister, nor can we conjecture what may be the fate of the appropriation in the Chamber of Deputies.

"While the committee is unwilling to anticipate any but an amicable and favorable result in both cases, it must be recollected that the King and Chamber may decide adversely to the interests and harmony of the two nations. Such a decision on the part of France, however it may be regretted by the people of both countries, who have great and growing interests, commercial and political, to cherish, may lead to a result upon which the committee, while in doubt, and while a hope remains, will not enlarge.

"The committee is therefore of opinion that, at such a crisis, when events may occur which cannot be anticipated, and which may lead to important consequences in our external relations, it would not discharge its duty to the country if it did not express a firm resolution to insist on the full execution of the treaty of 1831, and if it did not recommend to the House a contingent preparation for any emergency which may grow out of our relations with France previous to the next meeting of Congress. It is a gratifying circumstance that our means are adequate to meet any exigency without recourse to loans or taxes. The bill now before the House authorizing the sale of our stock in the Bank of the United States would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole, or a part, of the fund to be derived from that source should be appropriated for the purpose of arming our fortifications, and for making other military and naval preparations for the defence of the country, in case such expenditures should become necessary before the next meeting of Congress.

"The committee therefore submits the following resolutions for the consideration of the House:

"*Resolved,* That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France, on the 4th of July, 1831, and that this House will insist upon its execution, as ratified by both Governments.

"*Resolved,* That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals, on the commerce of France.

"*Resolved,* That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

Mr. **EDWARD EVERETT** asked permission of the House to submit the views of the minority of the committee in a report. As it was somewhat long, he would not call for its reading at this time. The minority did not, he said, essentially differ in their views of the subject from the majority; but on one or two points they did not fully concur with the majority, and they had thought it proper to take a more full and historical view of the subject than had been taken by the majority.

Mr. **CAMBRELENG** explained that when he remarked yesterday that he had never heard of a report on the part of the minority of the committee, he had not the least idea that the paper now presented was the one referred to. Before the late intelligence was received it was proposed in the committee to move the printing of this document, but it was deferred at the time, and he thought the proposition had been dismissed. He added that the report had not been read by one of the six members who formed a majority of the committee.

Mr. **J. Q. ADAMS** asked whether the report of the minority concluded with any resolutions.

Mr. **E. EVERETT** replied that it did not.

Mr. **J. Q. ADAMS** said he would now propose the resolutions which he sent to the Chair yesterday.

The resolutions having been read, as printed in yesterday's debates,

Mr. **ADAMS** requested the Clerk to make a verbal alteration in them, so as to change the word "measures" to "measure," as he said it was written.

In order to be understood by the House and the nation, he thought proper, he said, to explain the manner in which the variations in the different copies of the resolutions, as printed in the newspapers this morning, occurred. His manuscript copy of the resolutions, as they were sent to the Chair, was taken for publication by the editors of the National Intelligencer. He was afterwards applied to for a copy by one of the reporters for the Globe, who expressed a strong desire to have it for publication. He therefore wrote a copy from memory, intending it to be *verbatim* and *literatim* the same. Some few verbal variations had occurred, but none which affected the sense. He moved the resolutions as an amendment to those reported from the committee.

Mr. **ARCHER** moved that the report and resolutions be referred to the Committee of the Whole on the state of the Union, and be made the order of the day for this day.

Mr. **STEWART** moved to add, "and printed."

Mr. **PHILLIPS** hoped the minority report would also be printed.

Mr. **ARCHER** modified his motion so as to embrace both reports. Finding, he said, that many around him preferred that to-morrow should be assigned for the consideration of the subject, he varied his motion so as to make the subject the order for that day.

The **SPEAKER** said it would make no difference which day was assigned, as the subject would take its regular station in the calendar, and could not be reached but by postponing all the orders preceding it.

Mr. **SUTHERLAND** suggested that this was the last day on which bills could be sent to the other House, without a vote of two thirds of both Houses.

Mr. **CAMBRELENG** suggested to the gentleman from Virginia, who, he was sure, he said, was as anxious as himself to have this subject acted on, the expediency of withdrawing his motion to commit to the Committee of the Whole, for the reason that, as this was the last day on which a bill could be sent to the other House, the bill referred to in the report of the Committee on Foreign Relations must pass to-day.

Mr. **ARCHER** said he was unwilling to discuss any where else than in the Committee of the Whole a subject of so great magnitude. The House might decide to go instanter into Committee of the Whole, and take up the subject. He could not consent to withdraw his proposition.

Mr. **BURGES** hoped, he said, that a question so deeply interesting to the whole country would be discussed in the Committee of the Whole on the state of the Union. If the resolutions of the committee passed, the bill referred to could then be taken up.

Mr. **POLK** rose to correct an error into which the gentleman from New York had fallen, in regard to the position of the bill for the sale of the stock of the Government in the United States Bank. The bill was not in the Committee of the Whole on the state of the Union; it was in the House; and all the orders of the day had been postponed for the purpose of taking it up. But, since that time, other measures had taken precedence of it. He understood that the state of the business was this: the bills on their engrossment first came up, and next the bills in reference to the United States Bank. The third resolution of the committee should be acted on forthwith, to the end that the bill to sell the stock should be acted on to-day. He suggested the propriety of acting on the resolution forthwith. To commit the subject was to bury it.

Mr. **J. Q. ADAMS** said it appeared to him that the course recommended by the gentleman from Virginia [Mr. Archer] was the only constitutional course. As the avowed object of the resolution was to make an appropriation of money, it ought to be considered in Committee of the Whole. The resolution proposed to spend the money of the nation; but its reference to the Committee of the Whole on the state of the Union was objected to, because, if it went there, the House could not be bound to pass it by the previous question. It was, in effect, a proposition to tax the people—to take seven millions of their money and appropriate it to certain purposes. The bill must be referred to the Committee of the Whole, if the resolution was passed. He now discovered that war with France was to be connected with the war with the bank. The two wars were to be united, each supporting the other. To prove that the subject should be committed to the Committee of the Whole, he read the following passages from the rules of the House:

"81. No sum or quantum of tax or duty, voted by a Committee of the Whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

"82. All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House."

Is this proceeding, asked Mr. A., one touching the appropriation of money or not? It was certainly a proceeding by which seven millions of the public money was to be taken and expended in a wind-mill war against France; in favor of which, he thanked God, there had yet been no expression of opinion on the part of this

House. There were two things which were forced upon his attention in connexion with this subject. In the first place, it was evident that the question was to be managed on party grounds. The supporters of the administration were alone to be heard on the subject; and what they proposed was to be carried. The minority was to have no right to say any thing but "yea" or "nay" to the propositions of the leaders of the majority. In the next place, it was now, for the first time, disclosed that these two wars were to be blended together—the war with France and the war with the bank; one was to carry on the other, if either was too heavy to sustain itself. The proposition of the committee was the reverse of the principle assumed by the Senate, (he hoped it was not out of order to refer to the Senate,) which was the only principle on which we could go to war with France with honor and advantage; and this proposition, he reminded the House, was the result of an act of a minority of the Committee on Foreign Affairs, which the House did not reprobate, as it ought, in his opinion, to have done—the act of displacing the regular chairman of the committee, and substituting another, who was chosen, to say the least of it, by his own vote. [The Speaker called the gentleman to order.] I say this, continued Mr. A., merely in illustration of the principle which has been assumed, and which, he thought, was extremely pernicious. It appeared to him that, according to imperative rules of the House, these resolutions could not be acted on by the House without a previous reference of them to the Committee of the Whole on the state of the Union.

In the Committee of the Whole the freedom of speech was practically secured. But what would be the course in the House? When the friends of the administration and the acting chairman of the Committee on Foreign Relations thought the discussion had gone far enough, they would resort to the previous question. Next we were to be told that we must pass the bill to sell the stock immediately, or not at all. The bugle horn of the party will be sounded, and its friends will be told that they must pass the bill in order to support the administration. When all the liegemen of the administration have answered to their names, as they ought, according to the politics and morals of the party, the question will be put, and the bill passed. The war cry against the bank will be raised; and it will be proclaimed that what the people have in the bank amounts to nothing at all, and that they want to get rid of it. He concluded by repeating that the rules of the House rendered it necessary to commit the subject to the Committee of the Whole on the state of the Union.

Mr. CAMBRELENG said: I trust, sir, that you and the House will pardon me if I do not respond to the gentleman from Massachusetts in the same temper or tone which he has himself used. He had too much respect, he said, for that gentleman and for himself to retort any of his imputations. He regretted that, on a subject on which unanimity was so desirable, there should have occurred any thing to awaken any personal feelings. It was a question on which the House ought to rise, above party considerations, to the high dignity of its legislative character; and he regretted that the gentleman from Massachusetts had so suddenly descended from the lofty elevation which at one time he had taken on this subject. He disclaimed all idea of connecting the bank with a war against France. The war with the bank was over.

As to the manner of his appointment to the head of the committee, the gentleman had stated what was not authorized by the fact. The gentleman did not mean, perhaps, to be understood, in declaring that he was placed in the chair of the committee by his own vote, as stating that he (Mr. C.) voted for himself—but his language would certainly bear that construction; and the gentleman was undoubtedly aware that such was not the fact. He had not the slightest desire to make this a party question, and he assured the House that any modification of either of the resolutions which would secure the unanimous vote of the House, would be assented to by him with pleasure. With regard to the expediency of making an appropriation to meet any emergency which might arise in the recess of Congress, there was, he believed, but one sentiment among the people of all parties.

He saw this opinion expressed in almost every paper, of whatever politics, which came from the North. The gentleman, he was persuaded, was mistaken in his declaration that this was a party question.

Mr. COULTER said the debate appeared likely to wander into a channel unpropitious to a calm decision of the question. He hoped the House would appreciate the delicacy of the situation in which it was now placed as the popular branch of the Legislature, and consider that the measures which they adopted might prejudice the interests and welfare of fourteen millions of souls. The House was unfortunately so situated that every step they took must have an important bearing on the relations of the two countries.

He therefore hoped that the subject would be approached in regular order, according to the rules of the House, and in the most calm and dispassionate manner. If (said Mr. C.) we do not allow our passions to interfere with our measures, there will be no danger of an unfortunate result, and he therefore hoped the House would take the usual course. The time allowed before the expiration of the session was too short to act on the subject with due deliberation, and he thought it would be better to leave every thing in relation to the subject to the people, or to the next Congress, which might be summoned, if necessary. At all events, this question, above all others, ought to be discussed in the Committee of the Whole on the state of the Union more than any other subject ever presented to the House; it demanded the exercise of the functions of that committee. If it was in order, he would give notice that he would to-morrow move that the House resolve itself into Committee of the Whole on the state of the Union on this subject. Perhaps, he said, by general consent, it might be agreed to assign to-morrow for the consideration of the subject.

Mr. MERCER expressed his approbation of the temper displayed by the gentleman from Pennsylvania, and the hope that the House would imitate his example.

Mr. BURGES rose, he said, to implore every one to lay aside every feeling and prejudice which might obscure the mental vision in the consideration of this momentous question. Let every one, he said, forget every thing but that they are Americans. He begged gentlemen to suffer the subject, according to the usual mode of proceeding, to go to the Committee of the Whole on the state of the Union, and not to place it in a condition unfavorable to a deliberate and sober discussion.

Mr. BRIGGS moved the suspension of the rule, in order to assign to-morrow for the consideration of the subject.

Mr. BEARDSLEY wished, he said, to call the attention of the House to the effect of going into Committee of the Whole on the state of the Union.

The CHAIR said no discussion was in order.

Mr. PINCKNEY asked if it was in order to move to lay the whole subject on the table.

The CHAIR said there was a motion to suspend the rule pending.

Mr. ARCHER gave notice, that he, to-morrow at 12 o'clock, would move to suspend the rule, in order to go into the Committee of the Whole on the state of the Union. The object would be attained, if the subject was referred to that committee, by the notice he had given.

After some remarks from Mr. **MARSHALL** and the **CHAIR**, on the mode of proceeding,

Mr. **BURGES** obtained leave to move that the House meet to-morrow at 10 o'clock.

Mr. **EVANS** moved an amendment, providing that the House, for the remainder of the session, meet at 10 o'clock; in which form the motion was agreed to.

The motion of Mr. Briggs to suspend the rule was then agreed to.

Mr. **COULTER** now moved that the House go into Committee of the Whole on the state of the Union, to-morrow at 11 o'clock, to take up and consider the reports and resolutions of the Committee on Foreign Relations, and that they be printed.

Mr. **McKENNAN** moved to amend the motion by substituting 1 o'clock to-day. He said there were many subjects before the Committee of the Whole on the state of the Union which were as important as this to his constituents and to the Union.

Mr. **J. Q. ADAMS** desired leave to make some explanations in reply to the gentleman from New York, [Mr. Cambreleng,] but it was objected to.

Mr. **BEARDSLEY** said the proposition was to refer the subject to the Committee of the Whole on the state of the Union, to be taken up to-morrow at 11 o'clock. He was in favor of the time fixed for the consideration of the subject, but he hoped the gentleman from Pennsylvania would not insist upon designating the Committee of the Whole on the state of the Union as the place for considering it. He had no objection to as full and as ample a debate as the time would admit. But if we meant to have a vote on the subject, it ought to be kept in such a shape that the House could control it. Many gentlemen were ready and prepared to speak on the subject, and would occupy all the time till the morning of adjournment.

He would not go so far as the gentleman from Massachusetts [Mr. Adams] formerly did, and say, when the Executive recommends, I will not deliberate, but act; but after some days of deliberation he hoped the House would be ready to act. To refer the subject to the Committee of the Whole on the state of the Union would put it beyond the power of the House ultimately to decide the question. He moved to strike out so much of the motion as proposed to commit the subject to the Committee of the Whole on the state of the Union.

Mr. **MERCER** said it would be at any time in the power of the committee to rise and report the subject to the House. He regretted that the force of the considerations uged in favor of considering the subject in the Committee of the Whole was not felt.

Mr. **STEWART** hoped, he said, that the motion would be modified so as to conform to the suggestion of his colleague. If the House went into Committee of the Whole on the subject, it would consume the balance of the session, and defeat every other measure. To defer the subject till to-morrow would give one night for concocting speeches; but, by acting to-day, the question would be sooner decided, and with more unanimity. The course proposed would, he thought, be highly detrimental to the public interests, and produce discord on a subject on which the House ought to be unanimous. He would make one remark in reply to the gentleman from Massachusetts. He argued that the subject must go into the Committee of the Whole on the state of the Union, because it involved an appropriation of money. But there was no appropriation in the resolution. He was clearly of opinion that we ought to act on the subject in the House to-day.

Mr. **GRENNELL** replied. When he heard the gentleman from Pennsylvania [Mr. Stewart] opposing with so much ardor the proposal to go into Committee of the Whole House, on a subject of such grave national importance, and to retain the discussion in the House, where the previous question might, at any moment, be sprung, and the debate arrested, he seemed to see an image of the Cumberland road dancing before the gentleman's imagination, and haunting him with fears for the fate of some grand scheme respecting that work. How well founded were the apprehensions which seemed equally to trouble the minds of other gentlemen, that the subject would be detained in Committee of the Whole until it was too late for any action by the House? Where was a case to be found that would justify such an apprehension? Was there an instance on record where great national measures had been smothered by being referred to a Committee of the Whole on the state of the Union? There was none. He felt assured there was enough of good sense and of patriotic feeling among the members of this House to judge when discussion ought to cease, and when decisive action ought to be resorted to. Ought not a subject to be referred to a Committee of the Whole House, which deeply affected the foreign relations of the country, and indirectly involved the appropriation of vast sums of money—a question which touched the revenue? Could the House determine otherwise, he should indeed be amazed. There was not the least danger that this subject would receive the action of the House, whatever might become of others, which, unless this debate should speedily be brought to a close, must, in all probability, be lost for this session, if not for ever.

Mr. **WILDE** demanded the yeas and nays on Mr. Beardsley's amendment to strike out the reference to a Committee of the Whole, and they were ordered by the House.

The question being put, the vote was reported: Yeas 112, nays 110,

So it appeared that the amendment was agreed to.

The resolution, as amended, was then agreed to.

But Mr. **MINER**, of Connecticut, stated that there had been an error in recording his vote; he had voted in the negative on the amendment, and his name had been recorded as in the affirmative.

Mr. **BRIGGS** thereupon moved that the record be corrected.

Mr. **ANTHONY** said that the names had been called over, and if any mistake had occurred it should have been corrected immediately; a vote had been taken since, and it was now too late.

Mr. **MINER** again declared that he had voted in the negative.

Mr. **GAMBLE**, of Georgia, said that examples were on record where the journal had been corrected in such a case, even on the day following.

Mr. **WISE** protested against any question's being put. He insisted on the right of the member to have his vote correctly recorded, whether the House gave leave or refused it; otherwise, a man would virtually be compelled to vote contrary to his own will.

Mr. **BARRINGER** remonstrated with warmth against having any question made in the case. What would be the condition of the House, could such a precedent be established? It would put the vote of every member of the House at the mercy of the Clerk, or of a majority. He had not the least idea of any improper conduct by the Clerk in this case, and hoped that officer would not so understand him; but he protested against the precedent. It was the right of every member to have his vote recorded as he had given it; and it was the duty of the Speaker to see that the journal was correctly kept. He protested against any question's being put to the House.

The journal was corrected by universal assent, without any formal vote; when the votes being summed up more deliberately, the result appeared to be: Yeas 110, nays 111.

So the amendment of Mr. Beardsley was not agreed to.

And it was agreed that the vote which had followed the erroneous proclamation of the former decision, (viz: that agreeing to Mr. Coulter's motion as supposed to have been amended,) should be considered as a nullity, having been founded in a mistake.

The question, therefore, now recurred on agreeing to the resolution of Mr. Coulter, to commit.

Mr. LYTLE moved to reconsider the vote rejecting Mr. Beardsley's amendment.

On this motion **Mr. BEARDSLEY** demanded the yeas and nays; which were ordered.

Mr. EVANS, after some remarks on the tenacity of gentlemen in refusing a Committee of the Whole on so important a measure, moved to lay Mr. Lytle's motion upon the table.

Mr. MERCER inquired whether that would not, if adopted, dispose of the whole subject.

The **CHAIR** deciding in the affirmative,

Mr. EVANS withdrew his motion.

The question of reconsideration was thereupon put, and decided, by yeas and nays, in the negative: Yeas 111, nays 113.

So the House refused to reconsider.

Mr. CLAY inquired whether, should the resolution of Mr. Coulter be laid upon the table, the reports of the majority and minority of the Committee on Foreign Affairs would not come up to-morrow morning, as the unfinished business, and take precedence of all other business unfinished.

The **CHAIR** replied in the affirmative.

Mr. CLAY, after some remarks in opposition to a commitment of the subject to the Committee of the Whole, and the necessity of retaining it within the power of the House, moved to lay Mr. Coulter's resolution on the table, and demanded the yeas and nays; which were ordered.

Mr. E. EVERETT inquired whether this would not dispose of the whole subject.

The **CHAIR** replied that it would prevent any resolution of a similar kind from being made.

After some conversation on the point of order,

Mr. CLAY withdrew his motion; and, after a few other remarks against the commitment, resumed his seat.

Mr. REED said he would hazard the assertion that no subject of so grave importance as that now presented to the House had ever taken any other course than a reference to a Committee of the Whole House. Why should this? Because some gentlemen were in a great hurry for the passage of bills of far less moment. They feared that, if the subject once got into Committee of the Whole, it would be too much discussed. But was there no danger, on the other side, that if it did not go to committee it would not be enough discussed? He hoped a subject of such vast importance would be maturely considered and thoroughly investigated. No gentleman, he trusted, had a wish to prevent action of the House, even if it were in his power; but it would not be. The committee could at any time be discharged, and the House take the subject into its own hands.

Mr. SPEIGHT reminded Mr. Reed of the cases of the force bill and the bill to recharter the Bank of the United States, neither of which was allowed to go to a Committee of the Whole. Mr. S. felt very indifferent, however, whether the subject was committed or not; he had no idea that any thing would be done at this session which would affect the national character either one way or the other.

Mr. REED said that those were bills of far less consequence than the subjects now pending.

Mr. BEARDSLEY moved a call of the House; but it was refused.

The question being then put on Mr. Coulter's resolution, to commit the message, papers, and resolution, to the Committee of the Whole on the state of the Union, and considering it at eleven o'clock to-morrow, it was carried: Yeas 116, nays 107.

So the resolution was agreed to.

WRITS OF ERROR TO THE SUPREME COURT.

The bill authorizing a writ of error to the Supreme Court in cases of patent rights having been read,

Mr. BATES opposed the bill with earnestness, and referred to a combination of papermakers against an individual, who had made a valuable improvement in the manufacture of paper.

Mr. BRIGGS spoke in reply, and defended the bill, and contended against the patentee referred to by Mr. Bates, insisting that he had no just right to his patent; and yet would recover from five hundred thousand to a million of dollars from the papermakers, and yet they had no right of appeal to the Supreme Court. This bill went to secure them the right.

Mr. THOMAS, of Maryland, said he was unexpectedly called on to consider this bill, but he esteemed the principle involved in it too important to avoid its discussion, solely because of want of preparation.

The bill proposed to grant an appeal to an individual who felt aggrieved by the decision of one of the circuit courts on a contested patent right. If it was passed, this House would have disregarded the provisions of the judiciary law of 1789, without good cause. In the law of 1789, an attempt had been made to fix a boundary between the jurisdictions of the several courts established by the United States. In some cases, the decision of the circuit courts was final; in others, an appeal was granted to the Supreme Court. In all cases when the constitutionality of a law was questioned, the Supreme Court had jurisdiction by appeal; because he supposed the framers of our judiciary system thought questions of that character were of sufficient dignity to need all the knowledge and wisdom of the seven Judges on the Supreme Court bench to revise and decide them finally. When the two branches of the national Legislature, with the sanction of the executive department, had passed a law, there appeared to be no propriety in permitting any court, inferior either in numbers or attainment to those who presided in the Supreme Court, to adjudge it to be null and void. In other cases, by the sum in controversy, suitors were empowered to ascertain when and where the right of appeal was withheld or granted. If the amount in controversy in any case pending upon the circuit court exceeded $2,000, then either of the parties had a right to appeal to the highest judicial tribunal. This bill attempted to suspend the law of 1789, by which the boundaries of the jurisdiction of these several courts were thus established. The constitutionality of the patent of law in this case has not been controverted, neither is it pretended that the amount in controversy exceeds $2,000. Why then should Congress interfere? The House cannot fail to see that this bill must be a precursor of numerous bills of the same character. If we refuse to permit the decision of our circuit court to be final in the construction of the patent law, then we must relieve against the decision of the same tribunals, where the true construction of the tariff laws was the matter in issue. In fact, the Committee on the Judiciary had before them a petition from Mr. Sarchet, of Philadelphia, a person well known for his efficient, persevering opposition to the tariff of 1828, asking from Congress a special law to enable him to appeal to the Supreme Court against the decision of the circuit court of Pennsylvania, by which he was compelled to pay duties to the United States on articles which he thought were not liable to pay duties to the Government. How could the committee, or the House, with propriety grant an appeal in this case, and withhold it from Sarchet? In his case, the amount in controversy did not exceed $10,000; yet the decision thereon was a rule of conduct for all other persons importing articles of a character such as he had introduced into the country, and thereby thousands of persons and tens of thousands of property might, and possibly would, be affected. He had been opposed to a special law for the old patriotic blacksmith, and he was, for these reasons, opposed to interfering in those cases where the numbers of parties alone gave consequence to this petition. The member from Massachusetts [Mr. Briggs] might be forced from the straight line by the clamors of unreasonable constituents, but he would not, and he hoped the House would not, be driven from safe moorings by any such impulses. He was for a general rule, applicable to all, and if the House thought proper to revise the judiciary law of 1789, he was willing to inquire into the expediency of providing that appeals should be granted from the decisions of the circuit court in cases where the amount in controversy was less than $2,000. But, until the general law was changed, he was disposed to enforce it against all parties, unless some very grievous inconvenience had been shown to exist. In this case he saw no great hardship. The party petitioning had enjoyed the benefit of a trial by jury of his own neighbors, and the privilege of a hearing before two talented and enlightened judges of his vicinage, in a contest with a stranger to both tribunals, and he did not think there was much cause to complain.

Mr. WISE moved to lay the bill on the table; which was decided in the affirmative: Yeas 63, nays 61.

AMENDMENTS TO THE CONSTITUTION.

The House next proceeded to consider the resolutions submitted by Mr. Gilmer, relative to amendments to the constitution of the United States.

And the question being on the amendment moved by Mr. Gholson thereto, (reviving a free election in case of the death of one of the candidates,)

Mr. G. said that, with a view to the accommodation of gentlemen who felt much interest in the discussion of the resolutions, he would for the present withdraw his amendment.

The question then recurring on the first resolution, which is as follows:

Be it resolved, &c., (two thirds of both Houses concurring,) That the following amendments to the constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall be valid to all intents and purposes as part of the constitution, to wit:

1st. No person who shall have been elected President of the United States shall be again eligible to that office:

Mr. GORHAM said that, from the aspect of the House, he could scarcely believe that one of the most fundamentally important measures that could be proposed to it was under consideration. He had been one of the select committee to whom the subject had been referred; they had had it frequently before them, and, after comparing their respective views, had found it utterly impossible to agree on any conclusion. They had, therefore, determined to ask to be discharged from its consideration; and Mr. G. had been greatly astonished, after the chairman [Mr. Gilmer] had reported that request, to hear him in the same breath move the resolutions in his own name. He put it to gentlemen, whether any good consequence could possibly result from a discussion of such a question at such a period of the session. Would any decision by the House under such circumstances be received by the country as the sound, deliberate expression of its judgment on a great and fundamental question of constitutional law? He regretted to interfere with the wishes of gentlemen, but he was constrained to move that the resolutions be laid on the table.

On this question the yeas and nays were ordered.

Mr. PATTON moved a call of the House.

Mr. BRIGGS moved an adjournment.

The yeas and nays were ordered on this motion, and being taken, stood: Yeas 38, nays 126.

So the House refused to adjourn.

Mr. PATTON now withdrew his motion for a call; but Mr. GILLET immediately renewed it, and demanded the yeas and nays, but the House refused to order them.

The question being put on a call of the House, it was negatived.

Mr. MANN, of New York, moved an adjournment, and demanded the yeas and nays, but they were refused, and the motion to adjourn was rejected.

The motion of Mr. Gorham to lay the resolutions on the table then coming up, the yeas and nays were taken, and resulted as follows: Yeas 40, nays 127.

The question recurring on the resolutions, they were read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring,) That the following amendments to the constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three fourths of the States, shall be valid to all intents and purposes as part of the constitution, to wit:

1st. No person who shall have been elected President of the United States shall be again eligible to that office.

2d. Hereafter, the President and Vice President of the United States shall be chosen by the people of the respective States, in the manner following:

On the first Monday and succeeding Tuesday and Wednesday in the month of August, 1836, and the same days in every four years thereafter, an election shall be held for President and Vice President of the United States, at such places and in such manner as elections are held by the laws of each State for members of the most numerous branch of the Legislature thereof. And the citizens of each State who possess the qualifications of electors of the most numerous branch of the State Legislature shall then and there vote for President and Vice President of the United States, one of whom shall not be an inhabitant of the same State with themselves. And the superintendents or persons holding elections in each election district shall immediately thereafter make returns thereof to the Governor of the State.

And it shall be the duty of the Governor, together with such other persons as shall be appointed by the authority of each State, to ascertain the result of said returns, and the person receiving the greatest number of votes for President, and the one receiving the greatest number of votes for Vice President, shall be holden to have received the whole number of votes which the State shall be entitled to give for President and Vice President; which fact shall immediately be certified by the Governor, and sent to the seat of Government of the United States, to each of the Senators in Congress from such State, to the President of the Senate, and to the Speaker of the House of Representatives. The places and manner of holding such elections, of canvassing the votes, making the returns thereof, and ascertaining their result, shall be prescribed in each State by the Legislature thereof. But Congress may, at any time, make or alter such regulations. Congress shall have the power of altering the times of holding the elections; but they shall be held on the same days throughout the United States, and of altering the time hereinafterwards prescribed for the assembling of Congress every fourth year. The Congress of the United States shall be in session on the second Monday in October, in the year 1836, and on the same day in every fourth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall, as soon as convenient and practicable, proceed to open all the certificates and returns, and the electoral votes of the States shall be thereupon counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of votes given. But if no person shall have such majority, or if the person having the majority of the whole number of votes given shall have died before the counting of the votes, then a second election shall be held on the first Monday and succeeding Tuesday and Wednesday, in the month of December then next ensuing, which shall be confined to the persons having the two highest number of votes at the preceding election. But if two or more persons have the highest and an equal number of votes, then the person having the highest number of votes: *Provided, however,* if, in the first election, there were but two persons voted for, and the person receiving the highest number of votes shall have died before the counting of the votes, then, in the second election, the choice shall not be confined to the person previously voted for, but any person may be voted for who may be otherwise qualified by the constitution to be President of the United States; which second election shall be conducted, the returns made, the votes counted, and the result of the election in each State certified by the Governor, in the same manner as in its first: and the final result of the election shall be ascertained in the same manner as the first, and at such time as shall be fixed by law or resolution of Congress; and the person having the greatest number of votes for President shall be President; but if two or more persons shall have received an equal and the highest number of votes at the second election, or if the person who shall have received the majority of the whole number of votes given at the second election shall have died before the counting of the votes, then the House of Representatives shall choose one of the remaining number of the persons voted for, for President, in the manner now prescribed by the constitution. But if there shall have been but two persons voted for in the second election, and the person who shall have received the highest number of votes shall have died before the counting of the votes, the Vice President then in office shall be President for the next succeeding term. The person having the greatest number of votes for Vice President, at the first election, shall be Vice President, if such number be a majority of the whole number of votes given: and if no person shall have received such majority, or if the person who shall have received the majority of the whole number of votes given shall have died before the counting of the votes, then, of the persons having the two highest number of votes, the Senate shall choose one for Vice President; but if two or more persons have the highest and an equal number of votes, then the Senate shall choose a Vice President from the persons having the highest number of votes; but if there shall have been but two persons voted for, and the person who shall have received the highest number of votes shall have died before the counting of the votes, then the remaining person shall be Vice President; or if all the persons voted for shall have died before the counting of the votes, then the Senate shall choose one of their own body for Vice President.

4th. No Senator or Representative shall be appointed to any civil office, place, or emolument, under the authority of the United States during the time for which he was elected, and for six months afterwards.

Mr. H. EVERETT said he should vote in favor of the first and third, but against the second of the resolutions. He was in favor of giving the election of President to the people, but not by joint ballot; if it were amended so as to allow of voting by districts, he should be in favor of the resolutions. The amendments proposed in the first and third resolutions had been recommended by the present Executive in 1829, and in every annual message since, until the present year. The questions were not new either to the Legislature or to the people. He did not doubt the mind of every gentleman was made up respecting them; and as he felt confident of having the unanimous vote of the friends of the administration, there could be no impropriety in moving the previous question, which he did, upon the whole of the resolutions, and asked that the question might be taken separately on each.

The motion for the previous question was now seconded: Ayes 56, noes not counted.

The question recurring on the first resolution in order,

Mr. VANDERPOEL moved an adjournment, and called for the yeas and nays; which were taken and resulted as follows: Yeas 59, nays 112.

So the House refused to adjourn.

The question again recurring on the first resolution,

Mr. PLUMMER, of Mississippi, said that, in order rightly to understand a subject touching organic law, it was sometimes necessary to go back to first principles. In the beginning, God created the heavens and the earth, [Mr. Peyton here called to order.] and God made man in his own image—

Mr. PEYTON, Mr. EVANS, and Mr. WISE, here called Mr. Plummer to order.

The SPEAKER said he had been waiting to see how the gentleman was about to connect what he had said with the subject before the House. Irrelevant remarks were certainly out of order.

[The noise in the House was very great; and a general sensation pervaded the House.]

Mr. PLUMMER resumed. He regretted that his remarks should have occasioned any excitement in the House. He had not often troubled the House; having risen but once or twice this session, and then the House had refused to grant him any special favor. On one occasion, however, the House had almost unanimously voted that they preferred hearing him speak to granting the motion he had submitted.

Here the calls to order were renewed. The confusion increased. The CHAIR said the gentleman must confine himself to the subject before the House.

Mr. PLUMMER resumed. The subject before the House was a proposition to change an organic law of the land; to alter that sacred instrument which had been handed down to us by our patriotic fathers; and for which they had pledged their lives, their fortunes, and their sacred honor. If this was too sacred a subject on which to make a scriptural quotation, he should like to know on what subject it would be proper to quote that sacred book. As he remarked when he commenced, it was proper in discussing subjects of this nature to refer to first principles. "So God created man in his own image; in the image of God created he him."

[Cries of "Order! Order," were now renewed from various quarters.]

Mr. WISE said he had called the gentleman to order, and he would explain why. There were different ways of defeating measures. [Cries of order!] and there was no man who could not do something to defeat them.

[Here Mr. Wise was called to order by various voices.]

The CHAIR said the gentleman from Virginia must state his point of order.

Mr. WISE said that he was just about to state it; and he should state it in his own way. [Cries of order.] One way to defeat a measure to which a member was opposed was to speak it to death. [Here Mr. Wise was loudly called to order, and much confusion prevailed in the hall.] He said he was stating his point of order, and should not be called down. What he wanted to ask of the Chair was, whether a measure might thus be attempted to be defeated by actual profanity.

Mr. EVANS said he also had called the gentleman from Mississippi [Mr. Plummer] to order, but on a different ground from that just stated. He considered the remarks of the gentleman as wholly irrelevant and impertinent to the subject before the House, and such as ought not to be allowed. He hoped the House would determine the question of order.

The CHAIR said that the course of remark in which the gentleman had indulged seemed to be out of order; but the Chair had been waiting to see in what way he intended to connect them with the subject under discussion. So far as they were irrelevant to that subject, they were certaintly not in order.

Mr. PLUMMER inquired whether he might be permitted to explain.

[Cries of no! no! order! take your seat! order!]

Mr. ARCHER said that the rules of the House directed that, when a member was called to order by the Chair, he must take his seat, and could not proceed without the permission of the House.

Mr. PLUMMER asked if he could explain.

[Order! no! no! sit down!]

Mr. ARCHER asked that the question might be put, and the sense of the House taken on allowing the gentleman to proceed.

Mr. PLUMMER inquired whether he might not be allowed to explain.

[Great noise and confusion.]

Mr. LOVE said that he hoped the gentleman from Mississippi would be allowed to proceed. He felt assured that the gentleman's own good sense and regard to propriety would restrain him from going into a course of remark irrelevant to the subject, or disrespectful to the House. Let us hear him.

Mr. PLUMMER asked if the House would hear his explanation. It was usual to permit members, when called to order to explain.

The SPEAKER said that he felt reluctant to refuse the gentleman liberty to explain. He presumed the House would consent to an explanation.

The House appearing to acquiesce,

Mr. PLUMMER said that he had not been aware that he was out of order in the remarks he had made. The proposition before the House was to amend the constitution of the United States; and his object had been to go back to show the origin of Government, and thence to proceed to the origin of our own Government; and he had quoted the Holy Scriptures to show the origin of man as well as of Government, [great laughter.] It had been far from his intention to keep the subject off by speaking from the point. There had been nothing like a concerted plan, as the gentleman from Virginia seemed to insinuate; and so far he pronounced the remarks of that gentleman untrue. There was nothing like a plan to defeat the measure; and he was opposed to having the gag-law forced upon him in the discussion of a great constitutional question. Here Mr. P. was again called to order.

Mr. ANTHONY then demanded the yeas and nays on the question of allowing Mr. Plummer to proceed. This was too important a question, he said, to be passed over. He wanted to know whether the mouths of gentlemen on that floor were to be gagged in this way.

The yeas and nays were ordered, and, being taken, resulted as follows: Yeas 136, nays 39.

So the House determined that Mr. Plummer should be permitted to proceed.

Mr. PLUMMER said that he had prepared himself to discuss the constitutional question to the best of his abilities. He had never enjoyed the benefit of a classical education, as the gentleman from Virginia [Mr. Wise] had, nor was it expected by the House that he should deliver as classical a speech as that gentleman could. But he had prepared himself as well as he was able, and had availed himself of the views of gentlemen much better qualified to discuss such a question than he could pretend to be, and he had followed the example of those gentlemen in consulting the best written arguments to which he could obtain access; and he had believed that he was going to deliver a speech which he could afford to get printed in a pamphlet form, and which would be very acceptable among his constituents.

It occasioned him great regret that any gentleman should suspect him of a design to intrude upon the time of the House at such a moment as this, or to sport with the feelings of the House or of any member of it, or to permit himself to be used as a tool by any man or set of men whatever. He assured gentlemen that he was utterly incapable of any such course. It was very true that he had intended, in the speech he wished to deliver, to make an avowal of his political creed, and a full exposition of the principles of the working-men of Mississippi, perhaps, which might have given offence to some one of the two or three or more parties into which the House was divided. He had, however, felt but little confidence in his capacity to address the House. Indeed, he believed that he had had too little confidence in himself, and had put too low an estimate on his own powers, since he had now learned, by the vote just taken, that he was much more popular with the House then he had thought himself to be. In gratitude for that vote, and with the purpose of showing that his object had not been to speak against time, or to defeat the measure by a side-wipe, he should content himself by having the manuscript of the speech he had prepared printed, for the use of his constituents, and yielding the floor to the gentleman from Virginia, [Mr. Wise,] who was so much better calculated to make a display than he was.

Mr EVANS then addressed the House. He had felt a strong repugnance to claim their attention, notwithstanding the importance of the subject, in consequence of the short time remaining of the session. He was averse to changes in the constitution, and the resolutions he deemed objectionable. There was but one which he could feel disposed to countenance; and that was the proposition to restrict the presidential term to six years. There was a generally pervading sentiment among the people of this country, in favor of that project, and he might be induced to yield to it his assent, though he did not esteem it of essential importance. He was utterly opposed to all the remainder. First, they recognised the plurality system of elections, while various States adhered to the majority mode, and held the other most unsafe and impolitic. It would be deemed extremely unjust in the latter to ask or compel the former to abandon their views and adopt the majority system. Again, they abolished the district system, which would destroy the influence and power of the smaller States. A majority of one vote, in the largest State, might control all of her forty electors, and cause them to be thrown for an individual. Had the last election been conducted on the district system, it would have been seen to have been a much more closely contested one than it had been supposed to be. Mr. E. said, if this resolution was so modified as to give prevalence to the district system of electing, he did not know but he might be induced to go for it. The third resolution he considered decidedly the best of the three, though even for this he could see no urgent necessity. He had been anxious to have these resolutions calmly deliberated upon by the House, and had thrown no obstacles in the way of their discussion. If he could not vote for them himself, he would not bar the opinions of others. It would require two thirds of the House to sanction them, and in their custody he believed they could safely be reposed.

Mr. **BOULDIN** said that, considering the immense amount of business before the House, and the short time for calm reflection on such an important topic, he should feel impelled to vote against all three of the resolutions. But, in doing so, he wished to be distinctly understood that he expressed no opinion on their merits or expediency.

Mr. **HANNEGAN** moved that the House adjourn. The question was taken by yeas and nays, and carried: Ayes 96, noes 71.

So, at half past eight o'clock, the House adjourned.

Saturday, February 28.

RELATIONS WITH FRANCE.

On motion of Mr. **CAMBRELENG**, the House went into Committee of the Whole on the state of the Union, (Mr. Mason, of Virginia, in the chair,) and the committee proceeded to consider the following resolutions, which were read:

"*Resolved*, That it would be incompatible with the rights and honor of the United States, further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution, as ratified by both Governments.

"*Resolved*, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals, on the commerce of France.

"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

The following resolutions, offered by Mr. Adams, of Massachusetts, as a substitute for the above resolutions, were also read:

"1. *Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought in no event to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

"2. *Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.

"3. *Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this this time."

Mr. **CAMBRELENG** said (when the reporter was able to hear his voice above the general conversation in the House) that, in order to procure the unanimity which was so desirable on this question, he would be perfectly content to vote for any modification of the first resolution which the House would unite upon. For the same purpose he would willingly dispense with the last resolution altogether; because, when the bill making appropriations for fortifications came up, he would make a motion which would be more efficient than a merely declaratory resolution. He wished, moreover, to disconnect the subject from that of the Bank of the United States, and he assured the gentleman from Massachusetts that the object of the committee in referring to the sale of the bank stock of the United States, as a resource in case of war, was to show to the country and to France that we were able, if driven to it, to support a war without an immediate resort to loans, and not, as that gentleman supposed, any poor, miserable spite against the bank. His object in offering to assent to these modifications was, in part, to avoid a long debate, and to secure unanimity of action on the subject.

Mr. **J. Q. ADAMS** said he was desirous that the resolutions offered should be considered separately. The resolutions presented by the gentleman who acts as the chairman of the Committee on Foreign Relations proposed a system of measures dependent on each other. His own resolutions were also connected together, and dependent one upon another. It might be that the committee would prefer to adopt a part of his resolutions, and a part of those of the gentleman from New York. He wished, therefore, that the question might be taken on each resolution separately, and that the first question taken might be on the substitution of his first resolution for the first resolution proposed by the gentleman.

[The Chair suggested that, under a rule of the House, the question on striking out and inserting was not divisible, and that the object of the gentleman would be best attained by withdrawing two of the resolutions and offering the other.]

Mr. Adams resumed. It was, of course, he said, to him a matter of entire indifference how the object was attained. The resolutions offered by the gentleman from New York might, perhaps, prove to be more acceptable to the committee than his own, and he did not wish to force the committee to take a vote on either of the propositions as a whole. He therefore moved that the first resolution of the gentleman be stricken out, and the first resolution offered by himself be inserted.

Mr. A. said he would state, in a few words, his objections to the resolution of the gentleman from New York, and the reasons which induced him to prefer the resolution which he had proposed as a substitute for it. He should say very little of what he had wished to say, and what he believed it might be of public advantage to say, if there was time for the purpose; but should confine himself to a very few remarks, indeed. Sir, said Mr. A., the resolution reported by the gentleman from New York begins by a declaration that it "will be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831, and that this House will insist upon its execution, as ratified by both Governments."

Sir, I object to both parts, and to the whole substance of this resolution. The situation of the two countries towards each other is not such as to make proper a declaration that we will not negotiate with France. This arises from a principle of national law. When a nation, in the midst of a controversy with another, says we will no longer negotiate, the only alternative compatible with its honor and interests is war. It is not proper, therefore, that this House should declare that there should be no further negotiation. Sir, negotiation implies no concession. My resolutions are so drawn as to declare that there shall be no concession on our part upon this point. My resolutions declare that the rights of the citizens of the United States to indemnity from the French Government, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States. Here the ground is taken, that the United States will take nothing but an absolute fulfilment of the treaty. In that determination (said Mr. A.) I, for one, am willing to adhere; and I hope the House is willing to adhere. I have no hesitation in saying that if, together with negotiation, this determination is not sufficient to preserve the peace of the country, I, for one, am willing to take the hazard of war. I believe the interest and honor of the country are at stake upon the question. Let not gentlemen believe that the question is the same now that it was before the treaty was made. It was not a question whether our citizens were entitled to indemnity, and whether they should receive it or not; but it was a question whether France should be held or not to the fulfilment of the treaty. This is a totally different question from that which was presented before the conclusion of the treaty. Before that time the claims were unsettled, and uncertain in amount. They were admitted by a treaty which was itself a compromise, and a most liberal compromise on our part. The President himself tells us that the indemnity provided by the treaty is not adequate to the satisfaction of the just claims of our countrymen.

The indemnity was stipulated by that department of the French Government, which was authorized to pledge the faith of the nation to its payment. The question is no longer whether indemnity is due, or to what amount; but the question is, whether we will suffer a nation to violate its engagements to us, entered into under a solemn treaty. Where would we be, if we did not take the ground to compel France to do—what? Justice, justice. There is no question of countervailing claims, by way of offset; none of amount involved. The only question is, whether we shall hold France to the fulfilment of her engagements. What will be the consequence if we give up the treaty? if we consent to any compromise or concession? Every nation in the world will violate its engagements with us. The pledges of nations to us would become as idle words, and they will set them and your resentment at defiance whenever they please. The subject, as it was presented to Congsess by the President, at the commencement of the session, was entirely different, in its aspect, from the subject as it now stands. The President, in presenting the subject, then recommended, in the event of the rejection of the appropriation necessary to carry the treaty into effect by the Chambers, a resort to reprisals on French property. Sir, I have said in this House that, whatever might be thought of the prudence of that recommendation, the general sense of mankind would approve its spirit: and I say it now, that will be the sense of mankind in regard to the course proposed by the Chief Magistrate, both now and to all posterity. It was supposed by many, from this declaration, that I was in favor of the measure, though I explicitly declared at the time that I was not. I considered the measure recommended as imprudent, and, if I had been of his councils at the time, I would have advised him against it. But there was no injustice in it. There was nothing in it unwarranted by the laws of nations, and I do not know that he did not take better counsel than I should have given him. I do not know that I may not be obliged to recall my opinion even of the imprudence of the measure. I do not know, none of us yet know, what may be its effect. Some suppose that it may have the effect of preventing the Government of France from fulfilling the stipulations of the treaty, and others suppose that it will expedite and secure their fulfilment.

It may be that what I deem imprudent, was only bold; and, in the public and private intercourse of men with one another, there are numberless examples where boldness is itself the profoundest prudence. The great master of human nature well knew this when he said,

> "rashness
> (And praised be rashness for it) lets us know
> Our indiscretion sometimes serves us well
> When our deep plots do fail."

At this time there is a great struggle between the two parties into which we are divided, on the question to whom the credit of the appropriation will be due, if it be made. I find in a paper friendly to the administration (the Globe) a letter of congratulation on the prospect opened for the adjustment of the question. The writer says:

"The opposition seems confounded this morning, and even the most desperate in their ranks say the President has had the good fortune to take the right course in this matter. Chance has had no hand in it, my friend; it is parcel of his great, fair, and clear course."

So says the Globe. What says a print of an opposite political character—the National Intelligencer:

"The complexion of the news from France is more and more favorable to the preservation of peaceful relations between that country and this; which, as we believe it to be now sincerely the desire of the discreet men of all parties in this country, will, we are persuaded, be universally acceptable to our readers.

"The latest date of papers which had reached France from America at the last accounts, was the 25th of December. The report of the Foreign Relations Committee of our Senate was made on the 6th January, and it was definitively acted upon on the 14th of the same month. We scarcely entertain a doubt that, on the arrival in Paris of authentic accounts of those proceedings, the bill of indemnity will be promptly acted upon, and the treaty carried into full effect."

Well, sir, continued Mr. **Adams**, which of the two parties is to have the glory of the appropriation, if it be made? For my own part, sir, if it be made, I am willing that the glory of obtaining it should be distributed between the two parties in the proportions justly due to them. I approve the spirit of the President; and I applaud the prudence of the Senate. The compound of both, each tempering the other, may possibly prevail upon the French Chambers to make the appropriation which it is their duty to make; but to whomsoever the palm of this glory may be due, I can claim no part of it.

> In independence placing all my glory;
> While tories call me whig, and whigs a tory.

Yet, sir, I cannot, said Mr. **Adams**, but express my regret that this House, for which I feel and have the deepest reason to feel the most perfect respect, and, I will add, affection—cannot, whichever of the two parties may have the merit, claim or receive for ourselves any share of it. It will be awarded either to the bold, intrepid spirit of the President, or to the cooling damper of the Senate; leaving to this House and its members neither part nor lot in the transaction, but to clap their hands in honor of the glorious prudence of the Senate, or join in shouts of hosanna to the dauntless and triumphant valor of the President. Sir, I have for five or six weeks been imploring the House to take up the subject; and I think, if it had been taken up, we, too, would have had a share in the glory of the successful termination of the question. But here we are, on one of the last days of the session, and if we act at all, we must act before Wednesday, when this Congress expires. This was the reason why he objected to another part of the resolution of the gentleman from New York: that "this House will insist upon its execution, as ratified by both Governments," is the language of the resolution.

Sir, upon what can this House insist? In four days it will be numbered with the dead, and this hall will be the property of its successors. What can this House do in regard to the concerns of a Government four thousand miles off. Our successors will constitute a different House, to whom, for their two years, this hall will belong. In the dissolution of this House our country will sustain heavy losses: from New York, from Pennsylvania, Georgia, Ohio, and other States, including my own, the voices will no more be heard of men of as pure hearts and bright intellects (though he did not always agree with them in opinion) as existed any where in this nation. How do we know what our successors will "insist" upon? My resolution expresses the opinion of this House that the rights of the nation, stipulated by the treaty of July, 1831, ought in no event to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States. This is an opinion which the House is competent to give. It will be the more weighty for being one of the last acts of the House before its dissolution. It will sustain the President in his inflexible adherence to the rights, interest, and honor of the nation, while the next resolution which I propose will convey to him the opinion of the House as to the most expedient course for preserving the peace of the nation, without abandonment or compromise of its rights.

It is therefore, sir, said Mr. A., that I object to the resolutions, as reported, on these two grounds: first, that they foreclose all negotiation; and, secondly, that they assert the power of this House to act on the subject, when, as every one knows, this House is in its expiring agonies. I will say a word more as to the propriety of the resolutions offered by me. The second of them does not only not discountenance the idea of a negotiation, but expressly recommends it by requesting the President, if in his opinion it be compatible with the honor and interest of the United States, during the interval before the next session of Congress, to resume the negotiations with France. I adhere to the negotiation as much as to our rights. Cut off all negotiation! Why, sir, it must not be done, even in war. Negotiation is the only means by which peace can be preserved while it lasts, or restored when it is lost.

I ask and desire the President to revive the negotiation, if he deems it compatible with the national honor and interests. Let me say, sir, with that official respect which is due to the Chief Magistrate, and with the sentiment at the bottom of my heart, that one of my reasons for proposing this resolution is, that the President has expressed himself, in my opinion, too unfavorably to the continuance of a negotiation. I thought so in regard to his message at the commencement of the session. I thought the declaration in that message, that further negotiation was out of the question, was not well advised—negotiation should never be discontinued until war is flagrant, nor repelled even when it is flagrant. But circumstances have since occurred which make it still more necessary for this House to give an opinion in favor of negotiation. In the midst of the excitement which naturally resulted from the menace of reprisals, the King of the French expressed no dissatisfaction with that proposition, but with the language used to his minister--because it was intimated to the minister that the King had not done what he had promised to do. The message stated that the King was pledged to bring the subject before the Chamber in time to enable the present Congress to receive the result, and had not fulfilled that pledge. The King took fire at this reproach, and not at the threat of reprisals. Admiral de Rigny writes a letter to Mr. Livingston on this subject, in which he says not one word about the threat of reprisals.

It appears, from the letter to Mr. L., that the dissatisfaction is confined entirely to the intimation that the King had not been as good as his word, and that is the reason given in the letter for the recall of the French minister. I must say it is a shabby reason for such a movement; for it risks, upon the gratification of a petty pique, the peace of the two nations. That, then, was the ground on which the King recalled his minister. But, at the same time, as if alarmed at the consequence of the step, he informs Mr. Livingston that his passports are ready, if he thinks proper to apply for them. There was much craft in that procedure. He did not dare to order the American minister to leave the country, for it would have imposed on him the responsibility of a rupture.

Mr. Livingston's final determination was right. I was, said Mr. Adams, alarmed when I saw the statement that Mr. Livingston had taken his passports, and intended to leave France. It would have enabled France to say you gave the provocation. A minister should always be at his post, as immovable as the god Terminus, unless by an order from his own chief or from him to whom he is accredited. Had Mr. Livingston taken his passports, and war had ensued, it would have put on him the responsibility of the rupture. The two nations were like two boys in the street, who confronted each other with clenched fists, and both saying "strike me if you dare!" Such was the case with nations, that, after much blood had been spilt in their quarrels, they began to inquire who struck the first blow. So, if we get into a war with France, after spending millions of treasure and shedding oceans of blood, we shall at last come to inquire who struck the first blow.

And all this for a personal altercation and affront between the President of the United States and the King of the French.

> "Quicquid delirant reges, plectuntur Achivi."

I do not wish to step off from the vantage ground which we now have in this matter. Let our rights be maintained to the last drop of our blood; but do not let us say that we will have no negotiation. I wish the House to say that the negotiation should be renewed, if it should be deemed by the President compatible with the public interest and honor. He knew no reason why the House should not pass this resolution, except the fear of taking a different course from that which the President has recommended. I do not (said Mr. A.) entirely approve of the order given by the President for the return of Mr. Livingston, in the event of the rejection of the bill of appropriation. It places the country in a most awkward and unfavorable position; because, by recalling the minister, it takes a course which, according to the usage of nations, may be construed by the French Government as an act of hostility, and as entitling France to the first blow.

We should therefore be left defenceless all over the ocean for many months, at least until Congress could be convened and take measures for the defence of the country, while they were left unrestrained to take any measures of hostility they pleased. Mr. Livingston, in one of his letters to the Secretary of State, intimated that a state of things might occur in which, after the rejection of the appropriation, France would anticipate our reprisals, by striking a blow at our commerce and our ships of war in the Mediterranean. If Mr. Livingston with his whole legation was ordered to return to the United States, to manifest our sense of the injustice of France no alternative would remain but war. It was doing what the King of France was afraid to do, giving occasion for instant war. I should have been better satisfied if the President had given, in the event of the rejection of the bill, the order which he gives in case the bill be passed. Why he gives an order for Mr. Livingston to leave France for Holland, in case the appropriation be made, I am at a loss to imagine. Why should we not receive the appropriation if it be made?

Why should the minister leave his post at the moment when France was doing all which we require of her? I do wish (said Mr. A.) that the order to retire into Holland, instead of the order of recall, had been given in the event of the rejection of the law of appropriation. A recall of the minister in so signal a manner as by sending out a frigate to bring him and his whole legation home, is an act of such decided defiance, that the first act of hostility may be immediately committed by France; and, in the temper kindling up in this controversy, who knows but men who begin a quarrel by breaking a treaty, might seize in their own ports the very ship sent to bring your minister home? I will not (said Mr. A.) further trespass on the time of the House. My heart is full of this subject, but I forbear from any farther expression of my views and feelings in regard to it.

After Mr. Adams concluded,

Mr. ARCHER, of Virginia, (formerly chairman of the Committee on Foreign Affairs,) rose in reply; and, after adverting to his own situation as an old member of the House, and to the interest felt by the portion of the Union which he represented in the question now under discussion, promised, in as brief a manner as possible, to present his views and opinions in relation to it.

He had thought, when he first read the resolutions which had been moved in the form of an amendment by the gentleman from Massachusetts, [Mr. Adams,] that they were an improvement on those of the gentleman from New York, [Mr. Cambreleng.] He regretted to discover, however, from a more attentive examination, and the remarks which had just fallen from that honorable gentleman, that he had been mistaken, and that there was, in reality, no substantial diversity of import between the plans they respectively recommended. The gentleman from Massachusetts, indeed, in the speech he had now addressed to the House, as well as in his second resolution, had dilated much on the anxiety he felt, (and justly felt, as Mr. A. thought,) that negotiation with the French Government should not be broken off, as was proposed by the resolution offered by the gentleman from New York, at the head of the committee, [Mr. Cambreleng.] But why was the gentleman thus anxious? For the manifest reason, that if, by a resolution of Congress, all negotiation should be inhibited, whatever disposition there might be on the part of the French Government to come to terms, how could they effect it? Did not all who heard him perfectly well know that, when once negotiation had been thus broken off, the principle of national pride would prevent that Government from making us any proposals, even if it were ever so well disposed to do so? All diplomatic intercourse being broken off, there would remain no channel through which its good feelings, if they did exist, could be intimated to us. What! after we, by a formal concurrent act of all the members of our Government, had declared it to be our peremptory will that negotiation should not be continued, did any one suppose that, were every member of the French Executive, and of the Chambers, ever so thoroughly convinced that we were in the right and they in the wrong, France would tender to us any offers of reparation? It would be futile to expect it.

The first resolution of the gentleman from New York declared against further negotiation; the first of the gentleman from Massachusetts, that we would accept of nothing short of the complete fulfilment of the treaty: on which basis, however, he is willing to admit, nay, is anxious to keep open the door of negotiation. Now, where, said Mr. Archer, is the real difference of these propositions, that one should be held up as a substitute for the other, and our time employed in deliberation between them? The former was indeed consistent with itself. The latter admitting, and even invoking, a continuance of negotiation, yet precludes the sole ground and subject of it, by preliminary and peremptory inhibition. After declaring that we will have nothing but our full demand, without abatement of a tittle, why talk of negotiation? Ask the President to continue it! Continue it! to what end? Negotiate! on what subject? Was there any other in relation to which our opinion was required, but that of the treaty and its stipulations, which were to remain unalterable by any negotiation? What Mr. A. meant, he said, to illustrate, was, that those two schemes of proceeding, between which our decision was invoked as something different, came identically to the same result—were not similar merely, but the same thing. And, what was far more important, that either was a very bad thing; that was to say, a preclusion, would be, if adopted, the only avenue to the restoration of harmonious relations with this country and France.

But this, Mr. A. said, was not all. It could not be designed to stop with the mere breaking off of diplomatic relations and intercourse with France. This would be absurd. Something further must be done, or the money stipulated by the treaty (the subject of disagreement and rupture of relations) would be lost! It were as well lost by quiet acquiescence in the rejection of the treaty as in this mode! What, then, was to be done? What was to follow this inhibition of negotiation? In what measure or result was it to eventuate? Unless the loss of the money was to be submitted to in this mode, there could be but one of two successive and supplemental results; and these were interruption of peace, or interruption of trade, between the countries. Reprisals, that is to say, war in some form; or the interdiction of commercial intercourse in some form or extent. Mr. A. said he would take a glance at the character of these alternatives, and the influence which the adoption of either was likely to exert on our condition and affairs.

He would take the worst first—war: for a resort to reprisals every body knew would be war, and in the form most calculated to aggravate and provoke, in which it could be commenced. What was the state of our preparedness for war, he would now inquire. If we were prepared, he would not boast. If we were not, his should not be the hand to draw away the veil, and expose the deficiency. But no matter what might be the amplitude of our preparedness, had gentlemen adequately considered the character and resources of the power with which we were to be engaged in conflict? He had taken some pains, as was his duty, since this matter had engaged so much attention, to inform himself on this subject. This he had been enabled to do from very good sources, and he would therefore take on himself to give the committee some view of the maritime and military resources of France. She was a power with which war was certainly not to be considered as any light game. Three hundred vessels, of various classes, and comprehending every class, composed the military marine of France. Forty-four were of the line, if his information was accurate, about forty frigates, and inferior vessels of all kinds and denominations, and a prodigious marine force employed in these vessels. He had it from various and undoubted sources of information, that a higher degree of attention had been paid since the last peace by the Government of France, not only to the restoration, and enlargement of its maritime force, but to the object of rendering it effective, than perhaps had been done by any other power. He had made it his business, since room had first been presented for apprehension of war, to seek information from every naval officer of ours, he had met with, on the subject, and he had a concurrent account from all, that the solicitude of

France to improve her system of naval discipline, and to perfect it by a rigorous practice, had been most extraordinary. These brave men, never disposed to overrate any form of danger, but prompt to render justice, even to what might become rival arms, all concurred that the encounter of no Power could be more formidable than that of France on the ocean.

But what was the land military force of France? Not fewer than 400,000. The late war had not passed away so long, but that we retained a lively recollection of its harassments. Not our maritime cities only were exposed—scarce a pig or our poultry were safe in the large region made accessible by the ocean or our streams. Great Britain had a military force not amounting to a third, he believed, of that of France. This force had demands on it for the maintenance of her settlements, extending as widely as the globe. There was no region in which it was not required that this force should be distributed. If with this force, so unequal from proper amount and from dispersion, Great Britain was able to harass so much our maritime frontier, what was the annoyance we might anticipate from the 300 vessels and the 400,000 troops of France? He did not speak of our power to repel aggression in any form, from any quarter. That he would be the last person to bring into controversy. But that was not the question. We ought to measure aggression, when apprehended, however great our capacity to repel it. But the question was, on the propriety and policy of incurring it. And, in this view, the magnitude of the probable aggressing force formed an essential element of consideration. It might be a necessity, or a duty, to disregard this magnitude, but it was no less a duty of sober-minded men to consider it.

But another weighty consideration was to be added: when, how, was this war, if it came, to end? France could not subdue us—we could not subdue France. Gentlemen were disposed to refuse all negotiation to prevent war; but they must have negotiation before they could put a stop to it. Would the two nations be better prepared to negotiate, when feelings had been exacerbated by conflicts and losses on the ocean, by descents and desolation on the land? When oceans of blood had been shed, and millions of money sacrificed, would the parties be in any better circumstances to negotiate than they were at the present day?

But he would dismiss this part of the subject, which he had only been regarding as one alternative. He would suppose that we were to have no war; although, if he had understood the gentleman from Massachusetts aright, this Government had already not declared, but made war. He understood that gentleman to say distinctly that the withdrawal of our minister from the court of France was war.

[Mr. Adams here rose to explain. The President had not yet given the order: he had made it to rest upon a mere contingency. What he had said was, that, when such an order should be given, it would be the last act preceding war, and would in effect be equivalent to a declaration of war.]

Mr. Archer resumed. The only difference between his statement and that of the gentleman, as now explained, was that the withdrawal of our minister, which was tantamount to a declaration of war, had not been made positive, but only contingent, and had been suspended on a contingency not unlikely to occur.

But he should pass over the subject of war, and would suppose that the suspension of diplomatic intercourse was to be followed by a commercial non-intercourse, the second of the alternatives; and what would be the character of that course of policy? Would honorable members adopt this alternative without first reflecting maturely on the advantages and value of the trade now subsisting between the two nations? Had they considered its amount? Our exports to the French dominions during the last year amounted to $14,000,000, in round numbers, while our imports amounted to little less than that sum. This was the direct trade that must be sacrificed—a trade to the value of fourteen millions out and fourteen millions in. But was that all? No. Our total exports exceeded $100,000,000, and if we should plunge into a war with a great maritime Power, would not the whole of this vast export trade be put at once to the utmost hazard? Exposed to the absolute certainty of great losses? No. He was wrong. This destruction would not fall upon it; but why not? To the answer to this question he invoked the special attention of gentlemen from the Northern and Eastern States, States which owned the navigation of this country. He would tell them why: because England and Holland possessed a large commercial marine, and the moment non-intercourse was declared, that instant the transfer would take place of our whole export trade from American shipping to that of those great commercial and maritime States. Yes, our trade would have one alternative for escape, and one only, and that was the annihilation of all our navigation. He put it to gentlemen from the Northern and Eastern States to choose between these two alternatives—no trade or no navigation. One or the other must be the result.

Mr. A. said he spoke with warmth, possibly with vehemence; but it was because he believed that one of the greatest interests of his country might be involved in the deliberations of this day. His own State, indeed, was as little interested in this question as almost any other in the Union, of the same trade and population. How our exports went abroad was of comparatively little moment to her. Her citizens would probably not have to pay even an augmented ensurance. What they had to export, would seek the secure transport of British bottoms. But in the event of either alternative, of war or non-intercourse, where should we have to look for that crowd of masts which now were seen bristling into forests in the ports of New England and New York? How many would continue to have American owners?

Our ships, indeed, would not rot; they would still traverse the ocean in safety, as they had heretofore done; but they would bear at their mast-head, not the gallant stripes and stars which had waved victorious in so many a contest, but the emblem of the British lion. This, indeed, might be the resource to which the South would direct its view, but how would it affect the North and the East? Mr. A. did not stand there to legislate for the South alone. He represented New England while he represented Virginia; and it was alike his duty and his honor to protect the interests and consult the security of his entire country.

Having now stated the alternative presented to the country, in case all negotiation be discontinued, viz: the annihilation of our trade, or war with our ancient friends and earliest ally, he proceeded to inquire why this state of things was to be encountered. What was the consideration held out to us? For what must all these ties of interest and of sympathy, which had, for so many years, bound the two nations together, be at once ruptured, and all the blessings of peace and mutual intercourse put to hazard? He was almost ashamed to utter the reply to these inquiries. It was for the sake of five millions of dollars due to a portion of our citizens—an old debt long since considered desperate by its owners, and much of it transferred years ago from the original claimants for two or three shillings in the pound, to ensurance offices and speculators. Yes, it was for such a debt that all the high responsibilities to which he had alluded were to be incurred? We were invoked to enter into a contest which would put our Government in the attitude of a sheriff or a marshal who backed a writ! He insisted that, in this view, such an execution ought, on motion, to be *quashed*: because France did not refuse payment of the debt; she disputed only as to its amount. She was ready and willing to pay three millions of the five. It was, then, for this contemptible balance of two millions of dollars that Congress was invoked to plunge the country into the vortex of enormous commercial sacrifices or war. Now, Mr. A. would take it upon himself to assert, if war were to follow, that there was not to be found in all the records of history, blotted and smeared as those pages were with blood, (indeed they contained little else,) a single case where a war, involving such extensive and calamitous consequences, had ever been incurred for a cause so widely, so immeasurably, disproportionate to the effects which were to follow it. Should such a result occur, we should certainly have a peculiarity in the annals of our Republic, to gratify the overboiling zeal of the gentleman from Massachusetts [Mr. ADAMS] for blows. But, save in the annals of romance—the records of such contests as those of Sir Lucius O'Trigger, who went to war not to end misunderstanding, but to prevent it—this war would have no parallel in the whole compass of civilized life.

And the House were invited to risk the provocation of a war such as this, comprising, he had almost said, the ridicule of a mock with the tragic seriousness of real war, in what name? In the revered, the sacred name of the national honor. Mr. A. would make no professions of readiness to sustain the honor of his country, any more than to vindicate his own; he should leave that to be inferred from his actions; he chose that the readiness of the country to defend its honor should rest upon the same ground. Let it rest, not in the zeal with which it was affirmed, but in the evidence of history; not on legislative resolves, but in deeds. He was willing to put that question on the evidence afforded by the last war.

But, if that were insufficient evidence, he might mount yet higher; he might resort to the record of the contest for our independence—none brighter in the multifarious annals of the world's history—to the high and isolated fact, that those States, when in their colonial condition, with all the bonds of filial and colonial dependence and attachment—all the near ties of consanguinity and common origin bound about their arms, and, what was more, around their hearts—entered into a war with the greatest Power in the world, and that Power their mother country, for what was then thought by many a vision, an abstraction, but with them was a question of honor as well as liberty. These were the records to which we might point, and point securely, to vindicate the national honor from requiring these small and meagre resolves to authenticate it. But was there, after all, any question of national honor involved in the present case—so far, he meant, as things had yet gone? Mr. A. said he perfectly well knew the floods, the storms, the tempests of denunciation to which he exposed himself when he asserted the negative. But he should not hold himself worthy the name of a defender of the national honor, (a large part of which lay in courage,) did he shrink on that account from the assertion of truth. He knew that, in taking such ground, and encountering such a hazard, he should have at least one esteemed and honored coadjutor and friend, honored in the region from whence he came, esteemed wherever else he was known, [Mr. GILMER,] who would stand by his side, nor quit it through fear of imputation. He declared his conviction that no question of national honor was thus far involved, or was threatened with being compromitted.

In what did national honor consist? In intemperate language—in menace? No. But he would tell angry gentlemen in what it did consist. National honor consisted, first, in doing justice to all, alike to the humblest and the weakest, as the most powerful and exalted; secondly, in exacting justice. If it was not true of valor, that the better part of it was discretion, it was neither true of honor more than valor, in its highest exercise, that either rejected discretion. Valor did not require, if a giant struck, even unjustly, that you should rush to be trampled in the dust; nor honor, that you should discard all care of other and higher interests when the satisfaction of a just claim was withheld. But in what was this idea, that the national honor was put at hazard, in fact founded? How did such a thought occur in a mere matter of account and settlement of money claims? It was founded in the notion that the French Government had broken faith with us. Now, unpopular as it might be, and as he knew it to be, he should nevertheless affirm that, as yet, such was not the fact, however politic might be such an accusation. He affirmed that the Government of France had not violated its pledged faith in refusing to appropriate the money necessary to carry our treaty with that Power into effect. Let him put a case for illustration. Suppose, under our own constitution, which conferred the treaty-making power on the President and the Senate jointly, that the President alone, without consulting the Senate at all, should take it upon him to ratify a treaty with some foreign nation. Could that nation justly charge ours with a breach of the public faith, should the Houses of Congress afterwards refuse to do the things stipulated in the treaty?

The French constitution did, indeed, confer upon the executive branch of the French Government the power to make certain class of treaties; but it was a well-known rule of construction, that when certain powers were affirmatively, and in express terms, conferred by an article of organic law, all other powers included in the same category, but not expressed, remained with the granting party, namely, with the people. This rule was so perfectly well understood and admitted that, when certain powers were omitted in the constitution either of France or of this country, they must be held to be reserved, and as effectually denied as if they had been in terms excluded. Now, what did our own constitution say? He wished the House to mark this with care. It contained no such limited grant as was made in that of France with respect to treaties; its language was positive and unqualified in the grant of the treaty-making power. But what had been the uniform construction put upon it by the party long denounced as the republican party in this country? What had they declared, over and over again, and put upon record as the republican doctrine? Was it not this: that when a treaty had been concluded by the Executive (in the exercise of an unrestricted power) on behalf of the United States, and it required for its fulfilment the appropriation of money, such a treaty, however ratified, however constitutionally made, was nevertheless inchoate and incomplete until Congress should have resolved to comply with its stipulations? Who did not know that this was our own doctrine respecting our own treaties? But, throwing the constitution aside, Mr. A. contended that, were the constitution silent, such a power must reside in Congress in the nature of things. It was inherent in that part of the Government which represented more immediately the popular action. He challenged contradiction when he asserted, that in no case of popular Government, the representative body, the exponent of the action guarantied to the people, had been divested of such a power.

Suppose, then, that our situation in respect to France had been reversed; suppose that we were called upon to pay an indemnity to the French people; suppose the French Government should come to the House, and present a treaty signed and formally ratified by the President, and the House should determine that the sum was too great, or that nothing was due, and should refuse to appropriate the money, would not gentlemen be astonished that, because of such a constitutional act by that House of Congress, the French should complain that the faith of the nation had been violated?

Mr. A. insisted that, had we no constitutional provision whatever, so far as respects granting away the people's money, the Executive could not, in a free Government, have the exclusive control. No: the voice of the people themselves must enter into the bargain. Humble as he was, his consent, as a Representative of a portion of the American people, must first be asked before a single dollar could be taken out of the treasury and sent to a foreign nation. Was it possible that he could be called upon to vindicate, at this late day, a doctrine so long established and so often confirmed? Let that doctrine be denied, let the safeguards which the constitution had thrown around the treasure of the nation be removed, and what would be the consequence? No matter how the tax-laying branch of the Government might pile up money, exacted from the sweat and toil of the people, the Executive might shovel it off as fast, and faster, than they could accumulate it. They, who were the people's representatives, their guardians, their trustees, must stand by with folded hands, and could not raise a finger, nor interpose a remonstrating word, to stop the expenditure! For one, he had rather that these five millions, or five hundred millions, were sacrificed, than that such a dogma should once be established and submitted to as a part of our system of public administration. But did not the assertion, that France had broken faith with us, go in effect the whole length of such a doctrine? The executive branch of the French Government had manifested the utmost zeal and anxiety to have the treaty executed. The only cause of delay was the deliberation of the Chambers. Mr. A. was astonished to hear the reproachful language which had been heaped upon the executive organ of that Government, by the honorable gentleman from Massachusetts, in that House, and at such a moment. Even had the reproaches been merited, which he believed them not to be, he would no more have thought of resorting at such a time to reproaches than to reprisals.

Mr. A. here said that he had been informed, within a few moments, that advices had just been received going to strengthen the belief that the issue in the Chambers was likely to be favorable. If such were the fact, did it not go to strengthen the argument for rejecting the first proposition moved by the gentleman from New York, [Mr. Cambreleng.] When authorized to expect an amicable result, ought we at the same time to assume a menacing attitude? Surely not. But the resolutions, both of the gentleman from New York and the gentleman from Massachusetts, went, the one formally, and the other in effect, to declare that there should be no more negotiation. Was this a declaration with which to meet the auspices of a friendly settlement of the dispute? The French ministry recommended to the Chambers the payment of the money; and what was it proposed to declare? Why, in substance, by implication, that we have no expectations from the good faith of the French nation, and that menace was the only means to move them to do justice. The honorable gentleman from Massachusetts [Mr. Adams] had spoken something about acting from fear; at least he so understood him to say.

[Mr. Adams. I did—your whole argument is fear.]

Yes, resumed Mr. A., it is, I own, the fear of covering the ocean with plunder and with blood; for what? For the sake of two millions of dollars; or else, for some phantom notion of national honor which has sprung up in the brain of the gentleman from Massachusetts. My argument is fear, I hope an honorable fear, of producing by rash legislation a result so much to be deprecated.

If we were to prohibit all negotiation, suppose the treaty should be rejected, how was any accommodation ever to be effected? We declared our claims to be just; and, so far from having got more than was our due, as had been intimated by the gentleman who had concluded the treaty—

[Here Mr. Cambreleng interposed, and inquired of Mr. Archer what was the nature and amount of the intelligence just received, to which that gentleman had referred. He had himself received none.]

Mr. Archer replied that the project of law, for the payment of the American claims, had been referred by the Chambers to the Bureau, or standing committee of that body. Such was the intelligence he had received as having just arrived. If so, it went to show at least that the Chambers had not determined to reject the law. The argument of the gentleman from Massachusetts was for negotiation; but to what purpose, while at the same moment the same gentleman barred up the door to every thing like negotiation, by declaring that we will be satisfied with nothing but the treaty? Mr. A. said that, if he had been rightly informed, and he had not a doubt of the fact, France owed us not only these five millions, but a much larger amount, and, should the treaty again be opened, the strong probability was, that our citizens, instead of getting less, would get much more.

There was another resort. Suppose the treaty should be rejected by the Chambers, might we not, as the only mode to prevent a final rupture with our old friends and earliest ally, accept a proposition that the dispute should be referred to the arbitration of a third Power? And would not the people of the United States think it extraordinary if Congress should refuse such a course, for the sake of getting our two millions of dollars? Such a course had already been adopted in other cases. Great and important and very delicate interests of this nation had been submitted to the mediation of friendly Powers? Had not a question been so submitted which touched even the alienation of our territory? which raised the question of soil or no soil? Were gentlemen willing to submit a question like that, and would they refuse this petty question of two millions of dollars? Let him not be misunderstood. He did not say that we ought to offer the French Government further negotiation. He thought we ought not. What he insisted upon was, that we ought to wait before we acted. He was not for bating a single tittle of our claims. On the contrary, he was for claiming more. The accepting of five millions was a compromise. Had not the long list of our claims undergone, in the Chambers, a system of classification, and were not all the classes rejected saving two, and these the smallest in amount? Had we been indemnified for a single vessel swept from the ocean under the principle asserted in the Berlin and Milan decrees? or that of Rambouillet? No! The concessions made had been on grounds different from the recognition of the invalidity of the principle of those decrees. We had a fair claim to assert now, if the treaty were to be opened, for the seizures at sea, coming within this principle, made antecedently to the engagement to revoke the decrees. It was the seizures in contravention of this engagement, and the vessels burnt at sea, that the allowance obtained by the treaty seems to have been designed to cover. Though we might get no more by negotiation, any fair arbitration would give us more. What, then, had we to fear from negotiation or from arbitration? Nothing. At all events, he desired, if we must lose our claims, and must have a war with France, to have the knowledge that no effort of discretion or moderation had been wanting on our part, to avert such a calamity. If we must fight, he at least wanted to go into battle with clean hands, and with a heart conscious of rectitude. Mr. A. said that he believed these claims never would have been in jeopardy but from the rashness of our own Government. He had no quarrel with the personal indulgence of speech by the President in his message, which had been so highly lauded by the gentleman from Massachusetts. If the President thought that his country had been treated with indignity, it was creditable to him to express resentment; and such a spirit might readily be pardoned, even should it err a little on the side of excess. But Mr. A. could not go with him in the indulgence of such a spirit to the detriment of the country. He looked to the consequences. Those consequences might fall heavily on his country.

The gentleman from Massachusetts had very appropriately quoted the words of the poet: "*Quicquid delirant reges, plectuntur Achivi.*" These (among these) *Achivi* were his constituents, and he had no idea that they should unnecessarily or improperly *plectuntur*. Whatever might be the feelings of some gentlemen, he, for one, was not prepared to offer up the interests of his country a victim to the "spirit" of the President. Far be it from him to offer up her smallest limb in such oblation. Such, however, must be the probable results of the policy recommended to us, of defiance and irritation. Mr. A. heard the gentleman's sentiments echoed every where, in the hall and out of it. Wherever he went, he heard people praising the spirit of the President. Every where he heard men boasting that the President had a regard for the honor of the country. The torrents of blood that would be shed, the loss of property, the waste of human blessings and life, these things must not be looked at. And why? Because the autocrat has had his high spirit awakened. And what was the House to show? What spirit were they to display? No spirit at all, but a spirit of submission to his will! A feeling that would lead them to throw the commerce of their country, in the best view, at his feet, by way of applauding the "spirit" of the hero. The House, if they pleased, might do this, very possibly, though he did not say they would. He knew not what to expect in these days, nor on what to calculate. He could only answer for his own conduct, which, in a matter like this, it was no merit in a Representative of the "old and unterrified dominion" to do. Other instances had occurred, in which injuries to the public interest, when acknowledged, were yet triumphantly vindicated, by assigning them to the personal virtues of the President. Mr. A. said he could assent to no such principle of vindication of public acts. He must say of this doctrine, too, that it was as new among us as it was portentous. And if an exemplification were to be required, in disposing of the great subject under consideration, he must "take the responsibility" of recording his inflexible dissent, now and for ever.

Mr. A. concluded by submitting the following resolution:

Resolved, That, in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations of the treaty of indemnity with that Government, of the 4th of July, 1831, this House will forbear, at the present time, to adopt any measure in relation to that subject.

After Mr. A. had taken his seat,

Mr. PICKENS rose, and said he was opposed to the resolutions offered by the chairman of the Committee on Foreign Relations, and also to the resolutions offered by the gentleman from Massachusetts, [Mr. Adams;] and he was decidedly in favor of that submitted by the gentleman from Virginia, [Mr. Archer,] although not aware of its purport until read from the chair.

I am (said Mr. P.) opposed to both the first classes of resolutions, because they are calculated to commit this House unnecessarily; and, if France should pay the indemnity, as we have reason to hope, then they make a show of spirit and courage when there can be no necessity for it. This, sir, is a part beneath the magnanimity and dignity of this nation to play. And if France should not pay the indemnity stipulated, it will then be time enough for us to take our course according to the circumstances of the case, and meet the issue presented. Those who, in "piping times of peace," are found in the front ranks loudly clamoring for war, are generally, in moments of imminent peril, found choosing "discretion, as the better part of valor."

Sir, as this is a subject which, in its progress, may involve questions of the most momentous concern to the interests of this confederacy, I desire to throw out a few positions which I, for one, will feel it my duty to assume and maintain under almost any circumstances that may arise. And here let me say, Mr. Chairman, that it is with deep regret I have witnessed a feeling in this House utterly unworthy of the occasion. Is there no question but what must be made to turn upon party grounds? Are the watch-words to be thrown out, and the rally called, not to save the liberties of the Republic, but for the vile and infamous purpose of sacrificing all that is venerable and virtuous in the institutions of freedom, and making of them a burnt offering, the sweet savor whereof shall rise as incense to the new idols of our creation? I entreat gentlemen to pause in this reckless career of mad ambition. I have not been long enough a member of this House to partake deeply of the bitterness that has been excited by party conflicts upon this floor. I trust and hope that, on a subject of such vast importance, not to ourselves, but to the people of this great and growing nation, we will suppress every unworthy emotion of the heart, and merge all in one common feeling for our country, "our whole country, and nothing but our country."

I have heard much declamation upon national honor; and pray what is it? Is national honor the honor of a duellist, who may fight upon a point of etiquette, where he may suppose his dignity involved? When the acts of a man devolve upon himself alone, he may take any course to which his freak or passion may prompt him; but when the consequences of his acts are confined not to himself alone, but visit in their effects the remotest circles of society, and disturb the peace and happiness of millions, then it is that he should pause, and deliberate in coolness; then it is that he has no right to separate his own peculiar notions of honor from the solid and substantial interests of those who have so deep concern in what he is about to do.

The code of national honor, as it has been applied to the intercourse of European Governments, may be perfectly suitable to their circumstances. Those who ride over an enslaved people by the laws of legitimacy, and those who look up to rulers whose heads glitter with crowns and diadems, may talk about national honor, and appeal to arms to vindicate an imaginary right, or avenge an imaginary wrong; but, in a Government of republican institutions, where sacred trusts are reposed in us, to be exercised conscientiously, under the constitution, for the benefit of the people of these States, we have no right to separate national honor from sound national interests.

Mr. Chairman, I propose, in the first place, to discuss the question of national rights, as involved in this matter. I do not hesitate to say that the violation of our national rights by the imperial decrees of Berlin and Milan, would have justified an immediate appeal to arms. But instead of appealing at that time to arms, we properly chose, from expediency, to rely upon negotiation. And let us look for a moment into that negotiation. We find that instead of receiving indemnity for injuries done to the property of our citizens under those decrees, they are, as far as France is concerned, expressly excluded. The injuries for which the French Government acknowledge indemnity due, are ranged under four classifications:

1st. Vessels seized before the Berlin and Milan decrees were known; that is, within eighty days after their publication.

2d. Vessels seized after the 1st November, 1810, the date of the revocation of those decrees.

3d. Vessels seized, after having been promised protection, in certain ports of Spain, in possession of the French armies, and afterwards sold at Bayonne.

4th. Vessels burnt or sunk by French squadrons, to prevent discovery.

These are the classes of wrongs for which they acknowledge indemnity due; and it will be seen from their enumeration, that they expressly exclude the violation of our national rights, and the rights of our citizens, under the Berlin and Milan decrees. These classifications are the basis upon which the treaty was negotiated; and, so far as our national rights are involved, we are not maintaining them by maintaining this treaty. And the ground upon which the French Government justifies these odious decrees is, that, by our previously submitting to the British orders in council, we had virtually sacrificed our independence, and were no longer to be regarded as a neutral or independent Power. Now, I will not say that if the indemnity promised in the treaty should be paid, those of our citizens who have claims for losses under those decrees cannot, from the negotiation, come in and take *pro rata.* That, sir, will be an after question for consideration in the distribution of the funds. My opinion is, that they ought, in equity, to take rateably. But what I mean to advance is this, that under the present state of the affair, we should not consider we are sustaining our violated rights under those decrees, so far as the French Government is concerned.

However, the argument may be retorted on me, that the violation of our rights under each and every one of those admitted classifications would have justified a war. A justifiable war is a very difficult case to be made, if critically examined in all its bearings. But admit the position, that there was full justification for such an appeal in the cases in question; and I say in reply, that the treaty itself acknowledges the violations and promises indemnity. What more, as far as national rights are involved, could you gain by war? If we should engage in a bloody conflict for fifty years, it could result in nothing more favorable to our national rights than a treaty of peace, acknowledging that they had wronged us. And have we not the acknowledgment already, in the treaty and indemnity proposed? Do you expect proud, warlike France to acknowledge more at the point of the bayonet than she has already acknowledged in the treaty? Sir, then, so far as national rights are involved, we have nothing to gain by war. As to the question of national faith on the part of France, as involved in this inchoate treaty, I will consider that point in the course of my remarks.

We have then so far narrowed down the practical question to one on the simple payment of money. The wit of man cannot avoid the conclusion that this was the simple and only question. How and by whom it has been recently made more complicated, I propose to show before I conclude. Sir, then the original question growing out of the negotiation and the treaty was nothing more nor less than the non-payment of $5,000,000. And here I agree with the gentleman from Virginia, [Mr. Archer,] that there is not in the history of the civilized world an instance on record of a nation going to war to compel the payment of money. It will make a new state of things for one nation to issue a *fieri facias,* in the form of modern war, against another, and call upon the high sheriff of the land to summon the army and the navy, not to fight the battles of defence and glory, but for the ignoble purpose of levying upon towns, and cities, and islands, and fleets of commerce, for plunder and murder.

I have shown, as far as national rights are involved, that you can gain nothing by war which is not already acknowledged by the treaty. Let us look, then, as to the probability of obtaining the money stipulated in the indemnity by war. Do you expect to compel the payment? Will France do that by compulsion which she may refuse to do of her own accord? She is too distant and powerful in defence for successful invasion. You may seize upon her West India possessions, but it will cost more blood and treasure than five times the amount you contend for. And if you should obtain possession, the revenue of this nation could not maintain you in it, and the profit would not cover the cost. Sir, I know the power and the gallantry of our navy. I know our tremendous resources, from the most adventurous and hardy commercial marine in the world. I know the certain triumphs we would acquire in a contest with France; but, sir, to make those triumphs go down to posterity, commanding their sympathy and admiration, you must first clearly obtain the moral sanction of the world. You must first make the cause just, defensive, and glorious.

You go to war to compel the payment of money; and will you compel France to acknowledge, before the world, that her faith and honor have been tarnished, and plead forgiveness, by offering the indemnity demanded, with the sword drawn over? Sir, you must first lay her low in the dust and ashes at your feet. You must first plant the stars and the stripes in triumph upon the walls of Paris, with your army of six thousand men, surrounded by four hundred thousand. Sir, it is folly; it is worse than folly—it is madness.

Involve this country in war to compel the payment of money, and, as you say, to sustain the faith violated by the refusal to pass the indemnity promised in the treaty, and pray what then will be our position? Our national honor will then be committed and pledged to gain the objects for which you make war. Can you gain them? Do you expect that haughty and powerful nation that once conquered the continent of Europe to proclaim in a treaty of peace her national degradation? You will then put her upon her dignity and honor never to acknowledge what your dignity and honor will then demand that she should acknowledge. We go into this war to collect $5,000,000, and come out of it with a debt of $150,000,000, and a very plausible claim from the claimants under the indemnity, against your Government, too. Is this wisdom, or is it folly?

But I am told the faith of France is pledged in this treaty, and that we are bound to maintain it. I desire to avoid no issue, and will therefore discuss this point. Let it be understood that I do not stand here as the apologist of France. No, sir! I scorn to assume that position. If we are to have war, present a clearly justifiable cause, and I would as soon go to war with her as any other Power in Christendom. But I will state the facts in relation to this matter, which ought to be considered by this House, in making up their opinion as to national faith. I choose, then, to call this an inchoate treaty; that is, a treaty to which the Government of France has never yet fully pledged its faith. I have looked into the charter under which the present Government is constituted; and I find that there are two provisions bearing upon this subject; one in relation to the powers of the King, and one in relation to the powers of the Chambers. In the 13th article, the power is given to the King, in these words: "to make treaties of peace and alliances of commerce." The 40th article is in these words: "No tax can be established nor imposed, if it has not been consented to by the two Chambers, and sanctioned by the King." As to the last article, a quibble might be raised, that it gave the power to the Chambers to impose and establish taxes, but did not give them power over the disbursement or appropriations. But this would indeed make a solemn mockery of their liberties, to say that they had power to impose taxes, while other departments of the Government might be unlimited in their appropriations. The power of imposing, without the power over appropriations, would be no check in practical operation.

The King has power "to make treaties of peace and alliances of commerce." And although it is not expressly laid down, yet it is clear from all the rules of legal construction, that treaties for indemnity, whose leading feature and objects are to raise and appropriate money, are not, and cannot be, ranged under treaties "of peace or alliances of commerce." If the broad generical term of "treaty," or "all treaties" had been used, then there might be some doubt. But the words "of peace and alliances of commerce" limit the word "treaties," and give it a specific meaning and a defined limitation. But there is one consideration that puts this matter beyond all cavil. All parties in France agree that the right of the Chambers to pass upon indemnities is unqualified. They must be allowed to construe their own constitution.

The ministry and the opposition all agree upon this point. Sir, further, we were not deceived or misled in this matter. The ministers who negotiated this treaty with Mr. Rives distinctly announced to him that the Chambers would have to pass upon it. Under the despatch of the 18th September, 1830, Mr. Rives reports that the French Minister of Foreign Affairs said that he (the French minister) believed our claims would encounter much less opposition with the Government (meaning the King and his ministers) than with the Chambers; that he had thought of the organization of a commission to examine the subject, consisting of members of both Chambers, as the best means of preparing those bodies for an ultimate decision; and that he should submit the proposition at an early day to the council." In the despatch of 28th April, 1831, Mr. Rives says the French minister "spoke of the intrinsic difficulty of all money questions in a representative Government." In the same despatch, Mr. Rives says that the President of the Council of Ministers (Mr. Perrier) said, "he felt all the importance of good relations, &c., but that there would be great difficulty in reconciling the Chamber of Deputies to an additional charge on the "enfeebled resources of the State," &c. Again, in despatch of 7th May, 1831, Mr. Rives reports the French minister to say "that the offer he (the minister) had just made, was one of extreme liberality; that it would subject the ministers to severe responsibility before the Chambers; that he had already been warned from various quarters that he would be held to a strict account for his settlement of this affair." In the same despatch, Mr. Rives reports the President of the Council to say to him, "that it was particularly hard that the burden of their adjustment should now, &c.; and that it was certainly not the interest of either country to make an arrangement which the legislative authority here (in France) might refuse to carry into execution." In another despatch of 29th May, 1831, Mr. Rives again says that the President of the Council then said "that but for the Chambers there would be less difficulty in arranging this question, but that he apprehended a very serious opposition to it on their part, which might even more seriously," &c. But why make further quotations? It is beyond all doubt, that both and all parties in France admit the unqualified right of the Chambers to pass upon indemnities, and that our minister was not deceived upon this point, but that he was informed of it over and over again. The faith of one branch of the Government was pledged, and for what? Not that the indemnity should be absolutely paid, but that it should be presented to the Chambers, and that their influence should be used to press its passage.

Now, can we say that the faith of the Government of France is pledged unqualifiedly, in all its branches? The Chambers claim, and are acknowledged to have, the right to pass upon the indemnity. And is this not a principle to be maintained by every people who have claims to freedom? Analyse it, and it is the great principle that no taxes shall be raised or appropriations made but by those who pay them, or by their representatives. This is a principle consecrated by all that is glorious in the bloody struggles for Anglo-Saxon liberty. And shall we, who claim our descent from the English, be the first to break down this great barrier raised around enlightened freedom?

I will not say that it is an admitted doctrine in this country, that a treaty involving indemnity is not complete until it has passed this House. I know that it is one of the disputed doctrines between the federal and old republican parties. In all treaties not involving appropriations, it is clear the treaty-making power is complete, unless the independence of the nation should be manifestly sacrificed, and then a question above all constitutions would arise. But I, for one, shall never admit the doctrine that the faith of this Government is fully pledged to a treaty, involving payment of money, until it has passed this House. And whoever should negotiate such a treaty, would be bound to announce to the opposite party our powers under the constitution precisely as the French ministers did to Mr. Rives. Any other doctrine might give to two branches of this Government, without our concurrence, the power to plunge this nation into bankruptcy and ruin.

Let us now look into the circumstances under which this treaty has been passed upon. I say, then, that it never has been but once fully and fairly presented to the Chambers. As to its not being presented at their meeting in July last, it is manifest that they then assembled merely for the purposes of organizing under their forms; and that, as the minister says to Mr. Livington, "it was a Chamber for 1535." I therefore consider this circumstance as nothing. But what were the circumstances under which the Chambers voted when they did act upon this indemnity? At the close of a long and able debate, an objection was raised just before taking the vote. It was this: that part of the indemnity had actually already been paid by the Spanish treaty, commonly called the Florida treaty; that $2,000,000 had been thus paid. And how was this objection met? To say the least of it, in a very ignorant and confused manner. The ministers were not prepared upon this point as they ought to have been; for it is manifest that no part could have been paid under that treaty. There was, before this late objection was raised, every probability that the indemnity would pass. But owing to the feeble manner in which this objection was met and explained, it was then lost by a majority of eight. Suppose we were in this House placed precisely under such circumstances. Suppose that at the close of a session we were called on, after a long debate, to vote an indemnity of $5,000,000, and just before taking the vote, men of distinction were to raise the objection that $2,000,000 had been paid by a former treaty, and it were asserted with great boldness, and some show of plausibility; and suppose those in favor of the appropriation were to meet the objection in a confused and ignorant manner, would we not reject it? As guardians of the public purse, we would be extremely reluctant to vote away money to a foreign

Power, except on the clearest and most indisputable grounds. I know that our grounds are clear beyond all controversy, but they were not so made as to satisfy the Chambers at the time. Ought not all these circumstances to have been considered and respected in our intercourse with France on this subject.

Again, the present King of France rules not by the regular laws of legitimacy, but by virtue of a revolution. We know that the Carlists, the Bonapartists, and the Republicans, are bitter in their opposition to his reign, and would rejoice to see him overthrown. We know that even here cases might arise, in times of great party excitement, where men might be prompted to thwart a measure because it was an administration measure, and *vica versa.* And are we not to believe that there are many in the Chambers who would embarrass a measure, because it was an embarrassment to the King? Does it require any extravagance of credulity to believe that the rejection of the indemnity, so far, has been owing to these causes, rather than to a settled determination not to do us justice? Was it not the course of wisdom and prudence respectfully to have pressed the matter and waited events? Was it not true dignity?

The President has chosen, by inference, to impeach the honor and sincerity of the King in his course. He has also chosen to fix the time when the indemnity must be passed, and intimated beyond all doubt, pretty clearly, what should be done if it were not passed at the session he chose to specify. Sir, it is not my place, and it would not become me, to call in question the motives of those in power to this course. On the contrary, I am willing to accord to them, for the present, the most patriotic intentions. I am willing, for argument, to say that they thought this was the best course to secure the passage of the indemnity.

It is too apparent, from the whole correspondence, that the President has been acting in this matter in collusion with his minister at Paris to some purpose; whether for good effect or evil, let events speak. Mr. Livingston says, "I know the fact," that if the message assumes such and such a tone, "showing a strong national feeling," &c. &c., it will produce a good effect on the Chambers, &c. How did he "know" it? Were the ministers then plying him to urge a strong message to drive the Chambers? I forbear to press this matter, for obvious reasons. But what does this minister now say, who but a short time since said he "knew the fact?" In his letter of the 11th of January, 1835, he says, "the contents of the message being known, caused the greatest sensation, (in Paris,) which as yet is, I think, unfavorable; the few members of the opposition who would have voted for the execution of the treaty now declaring that they cannot do it under a threat of reprisals." Again, he says, in the same letter, "I ought not to conceal from you that the excitement is at present very great; that their pride is deeply wounded by what they call an attempt to coerce them, by threats, to the payment of a sum which they persist in declaring not to be due." The minister then enters into an undignified and contemptible comment upon different newspapers, utterly unworthy of his position. And as to the charge of want of sincerity and good faith made upon the King, I, sir, disdain to say any thing, only that Mr. Livingston himself admits that the King and the ministers have done all they could, and were sincerely desirous, no doubt, of passing the indemnity.

We seem to have acted towards France as if she had habitually violated her faith with us. We seem to have acted towards her as if the President's name had as much power, and would create as much servile trembling in Paris as it does amongst those reptiles who crawl in the dust around his feet here. Sir, to say the east, there has been full as much of wanton indelicacy in the course pursued as there has been of wisdom and true dignity. When was it, heretofore, that France had ever violated her plighted faith towards us? Was nothing due to our ancient friendship? Was nothing due to the recollection of those days of our Revolution, when France, gallant France, bore to our standard her treasure and her blood, to vindicate our honor and our liberties? Cold must be that heart that has so soon forgotten the day when her lily with our own flag waved together, in union and in triumph, along the lines of Yorktown. Was this the nation in whose national faith and justice it became us to place no further reliance?

Mr. Chairman, the only difficulty of any moment that has been thrown into this matter has been from the course the Executive has thought proper to pursue. No man, six months ago, could have supposed it possible for a war to grow out of our relations with France. And when gentlemen now declaim about national honor, it is nothing more nor less than the honor and consistency of the Executive. It is the collateral questions and issues which he and his minister in France have made by their course, that have created the excitement under which we are to be dragged into a war, not to vindicate national honor, but their consistency and their dignity.

I do not take counsel from my fears; but, sir, it is the part of practical wisdom, in contemplating events that may arise, to look at the present state of things as well as the past, and calculate the effects to be produced. Twenty years since we came out of a war with a large national debt—an indirect system of taxation was adopted to pay this debt. Out of this state of things grew what has been called the restrictive system, by which a whole section of country, from the Potomac to the Mississippi, was virtually made tributary to other and more powerful sections of this confederacy. The debt has been paid off—the system has been broken down for the present—and that whole section is now just emerging from the ruin and desolation you had scattered over it. Every thing with us seems now to smile and prosper under the munificent blessings of a kind Provdence—our commerce, just rising as it were from the shackles that have been thrown around her, is spreading her sails to the four winds of heaven, searching out the remotest quarters of the habitable globe, bearing comfort and happiness to the human family, and transporting back upon her expanded and exuberant bosom peace and plenty, to bless and to gladden the land that cherishes and loves her. This, sir, is our situation. And are we now to be thrown back, and made tributary colonies for the next half century? Sir, I say it from mature reflection, that the question of war will be to the South a question approaching one of self-preservation. Look at other sections. Where will be those interests engaged in navigation and commerce, technically speaking? They will be laid low in ruin, and England will become the reservoir of the wealth of the world. They will be thrown back a half century, and our commerce and navigation will never again be able to compete with England upon the ocean. Look at the interior West, that was advanced so rapidly during the last war by the appropriations and expenditures of this Government, to sustain our armies and operations along the frontiers. In this new war expenditures would be along the seacoast entirely, and the interior West, drained by direct taxation, would have no disbursement returning, and scarcely an opportunity to acquire glory. Whilst these are some of the interests involved, I will touch, for a moment, upon other interests, and it is in no invidious spirit that I do it; for I will say that there is no country in the world but where there are some interests that would be benefited in a pecuniary point of view by war. All those who look to a national debt as a national blessing--all those who look to the protection arising from high restrictive measures upon commerce, well know and feel that the most effectual protection to their pecuniary interests is to involve the country in a foreign war.

Sir, I entreat the gentlemen from the South to look at this matter. I would not wantonly injure the feelings of any set of men upon this floor. I appreciate that pride, I will say, if you please, that honorable pride, which prompts gentlemen to feel attachment to those they have acted with through party conflicts of deep excitement. It is hard to shake off these feelings of the heart, that too often bias the dictates of the head. But I trust, in a question of so much importance, that may finally commit our country into a war, that there will be no hesitation, if necessary, between the sacrifice of the consistency and pride of the Executive and the sacrifice of the peace and interests of the nation.

It is a remarkable fact in the history of England for the last century, that almost all her wars have in reality been waged to sustain the party in power at home. Whatever other pretexts she may have made, it will be seen that what has really carried her into the measure was to sustain the party at home and maintain their power. I trust this system is not to be transferred to us; and I call upon gentlemen, under the solemnity of the oaths they have taken, under the fidelity due to their constituents, to discard, for once, in the consideration of the subject-matter involved, all feelings that have been erected, all collateral questions that have been thrown around it, by the wanton indiscretion of executive conduct.

Mr. Chairman, let it not be supposed that I would shrink from a war because of the sacrifice of interest it would bring upon any particular sections of this confederacy. No, sir! Show me a just cause for war; show me the case of our national territory invaded, and jurisdiction usurped over it; show me a case where the rights of any considerable portion of our citizens have been cruelly trampled over; show me a case of our national flag habitually insulted; show me a case of our seamen dragged into foreign vessels, and compelled to fight the battles of crowned heads; show me a case of justifiable war, and I, for one, will raise the star-spangled banner, and call upon my country to rally around it, although the consequences should lay the land, from the Potomac to the Mississippi, in one universal and smoking ruin. But tell me not that this is the case. Tell me not that the miserable questions raised here are justifiable causes of war. Tell me not that, for the pitiful and contemptible sum of five millions of dollars, I am to involve the country in ruin. Sir, as to national honor, it would be dishonorable and disgraceful to the dignity of a great nation to be involved in war for any such cause. We would deserve the contempt of the world. There is scarcely any war that can be honorable but a defensive war for great national rights. There is no other war that should command the sympathy of the enlightened world.

I am astonished to hear gentlemen maintain that reprisals will not lead to war. I know that, according to Vattel and Puffendorff, technically speaking, reprisals are not war. But, sir, what are national reprisals but national robbery? There is no instance where they do not lead to war, except when a nation against whom they are issued is destitute of the spirit or the power to defend herself. All the wars between England and France have been preceded by marque and reprisal. You may seize the ships of France, and she may seize yours. Your fleets may meet hers upon the ocean, and their decks may be drenched in the blood our seamen. You may darken the coast with the smoke of your cannon, and call it reprisals, and not war; but it will be difficult for the ingenuity of man to prove it to be peace. I repeat, in conclusion, that I am opposed to any resolutions that will commit this House: because, if France pays the indemnity, it will then be a show of courage when there was no necessity; and if she does not pass the indemnity, we can then act according to the circumstances presented, and the issue tendered. This, in my opinion, is the course of true dignity and true honor. It is our duty, as far as we can, to heal over the wounds that have been made, instead of tearing them wider open.

Mr. PATTON addressed the House at considerable length, in reply to Messrs. ARCHER and PICKENS, and gave the views which had governed him in relation to this subject, both in the Committee on Foreign Affairs (of which he was a member) and in the House. He did not fully concur in all points with either of the series of resolutions. Mr. P. read a resolution which he had prepared on the subject, with a view of offering it to the House. It would be seen that it was declarative of the validity of our claim, and preserved the principles advocated by the gentleman from Massachusetts. It was also, he thought, couched in as strong terms as that gentleman should require.

Mr. BOULDIN, of Virginia, said he had but few remarks to make on the subject. He said it was not his intention, nor had it been his habit, to trespass long on the time of the House. He wished to hear what were the views of every member, and supposed that every member wished to understand the opinion and feelings of every one on the floor upon a subject of such magnitude. He would not at any time trespass on the patience of the House, much less would he at this time, looking to the magnitude of this question and the great quantity of other business that must be done in the short time left of this session.

He thought there was but one question before this House and the nation, in relation to this subject, that was required to be answered at this time: the question whether this debt, secured by this treaty to be paid, should be abandoned or insisted on. Other questions had been suggested in France and this country, but no other question had been made here. The President had advised measures, under certain contingencies. But no other question had been raised, by the constituted authorities of either country, but this: Shall the treaty be abandoned or not? He considered this as a very material question to be decided. The debates in the French Chamber of Deputies showed that much reliance was placed on the belief that this country would not insist, in the last resort, on the payment of this money. It was, in his opinion, a very natural inquiry, and was the anxious inquiry of this country and France. He said it was fit that we should answer to it. If we abandoned the claim, there was an end of it. If we did not, the mode and time of asserting our rights was with ourselves. He said he had listened with much pleasure and interest to his colleague, [Mr. ARCHER,] and had been at a loss to determine what was the conclusion, of which he several times spoke, that he would come to. He said he understood him at last to come to the conclusion that the treaty was not obligatory.

For this he gives two reasons. First, that until the vote of the Chambers was had, making appropriations for the payment, the treaty was not final. Upon this point he would say nothing. His colleague [Mr. PATTON] had answered that fully—perfectly. Indeed, the gentleman's argument on that point, if it proved any thing, would prove that there was no obligation on the part of the Government to pay any officer for services already rendered, until this House shall vote an appropriation. Secondly, my colleague [Mr. ARCHER] thought we had been too precipitate—too hasty. What did he think hasty—rather, what did he think reasonable time to negotiate? A quarter of a century he thought not long enough. Would he say how long would be long enough? Would 125 years be long enough? Mr. B. said he was willing, if we had been hasty, to withdraw—negotiate again. But before he entered again into a settlement, he wished to know how long would do. It was not a claim of our Government—which, he said, he wished might live for ever. It was the claim of individuals, most of whom were dead and gone, and most of their descendants likewise. If we wait much longer, we shall also be dead and gone, and then he supposed there would be a close of the matter. Mr. B's colleague said, if we had waited, we would have got much more. He said he wished to be serious, and was so. But his colleague had reminded him of a case (he would not call names) that he knew of. An old gentleman had a daughter who remained single till she was more than forty-five, when she then thought proper to marry, and did so. Her father, objecting to the match, said, if Peggy had not been in such a hurry, she might have done very well.

The gentleman asks if we really would go to war for five millions of dollars. Many a suit is brought, where the cost is more than the demand. Will a man fight if you spit in his face? Suppose the case of my colleague; but the case is not supposable; yet, if it were supposable, should a man spit in the face of my colleague, would he wash his face, and say it was not worth resenting? In such a case, it would generally be cheapest to say, with most of us, that we would wash it off, and our faces would be cleaner than they were before; in almost every case it would be best, but for one thing—the next neighbor standing by, and seeing we had submitted to that, would do another and a worse thing. We were reminded in the French Chambers that we had taken from others; why not from them?

He said that he agreed with the gentleman from Massachusetts, that his colleague's argument was made up of fear. Did his colleague read the debate in the French Chamber, and did he not see that most of the opposition there relied mainly on the fact that we were a money-loving, money-getting people, and would never spend $150,000,000 to get five. He knew that it was all a fetch, (he asked his colleague's pardon.) He knew there was no fear in him. The French and his colleague, he thought, were both mistaken. He said he heard with pleasure and pride, for his country and his colleague, when he spoke of our commerce covering with unnumbered millions every sea. He asked if we obtained that commerce, or the protection of it, by fear; by arguments such as his colleague had advanced? We had a name in the world as a nation, of which every American was proud. We had a respect in the eye of all nations, which had not failed to be acknowledged by them. Did we acquire this by arguments and practices bottomed on considerations of fear? When we were acquiring this, did we show to the world that we regarded more our personal security than our rights and our honor? Did we then consider whether our ducks or our barns were in danger on our seacoast? Far from it. Did the gentleman himself—and he says he thinks the nation's honor is his own honor, and would defend and maintain them both by the same means—when he was acquiring that respect and esteem which he so securely maintains in the bosom of his friends and his colleagues, act from feelings and arguments such as those now advanced by him? When we receive an injury, and resent it, if we get a bloody nose, your adversary is likely to get one too. It is well for both to value this.

Did the gentleman read the debates in the French Chambers? Are not his the very same arguments put into our mouths there? If we refuse to defend our rights, and bring the whole to a calculation of dollars and cents, will not all the world deal with us accordingly? We have exacted from other nations payment, and received it, for similar injuries. We persuaded them we would enforce our claims to justice, and they believed it. If now, after all that, when it comes to the trial, and we have liquidated the claim, and taken the bond, and payment is refused, we do not cause our rights to be respected, what may we expect? Why, that those who have been compelled to pay will say, you bullied us out of it; but when it came to the point with the French, you gave it up; therefore, to be equal, you must pay us back with interest. If you do not, we'll go on the high seas, and we will shoot your ducks; we will burn your barns, and do worse than the French would have done.

He said he would repeat the question, shall we give up the money, or insist on the payment of it? It is no uncommon case, after a dealing of twenty years' standing, upon settlement and bond taken, if any thing is said about suit for the money, the statute of limitations, usury, gambling, extortion, or some other plea, or bill of injunction, is threatened. But the creditor has only to decide whether he will give up the debt or not. A man talks and shuffles with you for twenty-five years, and at last gives his bond; waits four or five years, and, when you call on him for the money, proposes to settle again; draws some nice distinction, admitting the obligation of treaties and bonds, and the authorities of agents to make settlements, but denying the obligation to pay the money. Sir, is not this trifling with a man? Sir, (said Mr. B.,) no more negotiation about this debt; I had rather give up the debt than negotiate again.

Sir, when that same France was ground into the dust, (justly or unjustly,) for peace sake, for love's sake, for gratitude, for past kindness, if not friendship, we forbore, and said to her, "we will not press you now; others we will compel to pay, we said by our actions, but you we will not urge just now; we will settle with you in your own time." And she has settled in her own time, and taken her own time of payment. Much was said in those debates in the French Chamber of Deputies about friendship and gratitude, &c. They seem to think that the fable of the husbandman and the viper would apply to us. He had found a viper frozen, and taken him to his bosom, and warmed him into life; the ungrateful viper then bit his benefactor. They speak of us as foundlings; as some child that had been cast away by his mother; or, being lost, they had found it! Sir, they sit in their Chamber, and we sit here. I wish to have no words of abuse with them. I, like my colleague, [Mr. Archer,] do not like to hear abuse, or to give it. I wish you distinctly, Mr. Chairman, to understand that I do not deal in abuse towards any individual, or any nation; I want to hear no abuse; and I have heard fully as much praise of foreign nations as I want to hear. As much has been said about love, and affection, and gratitude, ay, and obligations, too, between us and the French, as there is any truth in. I want to hear no more about love, and friendship, and gratitude. All I want to hear, and, I am persuaded, all the nation wishes to hear at this time, is, whether we mean to hold on upon the treaty, or give it up. If, then, we give it up, all is done. If we do not, what then follows, sir? I do not know. That is not the point before us. It is not what the French wish to know, or have the right to require us to tell them. With the greatest possible respect for the feelings and opinions of others, I think it is pusillanimous to be always settling, settling, and resettling.

I do not think it would be dishonorable to give up the debt. I never heard that it was humiliating to give up a debt. The creditor has the right to do it, and no one has the right to complain but the debtor; and I never heard of his taking exceptions. But it is childish to be always settling and unsettling and threatening. I would rather give up the whole of it, if it be, as the gentleman supposes, ten times as much, than to be always disputing and quarrelling about it. Perhaps the most dignified position we could assume would be to give it up, and pay our citizens their claims to that amount. It is certainly the cheapest. If the nation is willing I should be willing; I believe my constituents would be. I believe they know the wisdom and necessity of attending to their interest as well as their honor. But I believe they would be willing, if all were willing, to give up the claim, rather than break the peace between the two nations. Perhaps, if we were to return them their bond, and say we have been settling for twenty-five years, and you now refuse to pay, after settling, even one tenth of what you really owed us, we will hereafter have just as much to do with you as suits our inclinations, and no more than we can well avoid. This might be thought the most independent course by all the world. I know but one objection to this. The claim did not originate in contract, but in violence; and for peace, love, gratitude, and friendship, we have agreed to take money as a satisfaction. I have no idea that such will be the course, and do not mean to advise it; nor do I much fear that war will be the consequence of insisting on a compliance with the treaty. I think the only material question we have to respond to is the question before stated. Will we give up the money or not? I think any of the resolutions answer sufficiently except those of my colleague, [Mr. Archer,] who seems to think we could make something by a new settlement. I cannot agree to that. If they will not comply with this settlement, they would not, certainly, if we brought them more in debt.

I like rather the resolutions of the highly respected and very distinguished gentleman from Massachusetts, [Mr. Adams.] I have no objection even to his second resolution; to give the President discretion to negotiate further with France, if he should think the honor of the nation would not be, in any manner, compromitted or sacrificed. If we do not think the President has acted with entire prudence, (and I am not unwilling to admit that I think he has not,) and if some of us do not love him as well as we might, and have not all the confidence that others have, still he is the only organ through which we can constitutionally treat with any nation, in peace or in war. It seems admitted by all, unless it might be the chairman of the Committee on Foreign Affairs, that we ought to have some means in peace to preserve peace, and in war to make peace. This second resolution, therefore, seems distinctly to say to all the world, that, however we may differ in degree of personal regard for, or confidence in, the President, still he is our President, and we mean to sustain our own honor and our own institutions through him, the only constitutional organ for that purpose. Let France see she has no ground to hope to profit by our party divisions.

In saying this, and agreeing to this resolution, I cannot feel what my colleague [Mr. Archer] says we must feel—crouching, yielding, bending the knee, to the President—or to the French Chambers, which seems to me to be more plausible. Simply to say, we will expect the money to be paid, and that we will take our own time and means to obtain it, seems to me to be neither yielding, nor submitting, nor crouching, to France, or the President, or any body in the world. Whether the advice given by the President will be taken, is for after consideration. We have no time to deliberate or act on it now. Whether his message has been prudent or imprudent, wise or unwise, will be determined, like most other things, by the event. Obstinacy, if the thing turn out well, would be firmness; if it turned out ill, it would still be called obstinacy. That which would be rashness, if it turn out ill, would be boldness, nay, wisdom itself, if the event be fortunate.

No, sir, (said Mr. B.,) I feel not crouching or humiliation for myself or my country, in this course. I have no severe strictures to make, nor do I think it necessary to add any thing to what the gentleman from Massachusetts [Mr. Adams] has said in relation to the Chief Magistrate. Mr. Chairman, I have said at least four times as much as I at first intended, and will ask pardon of the committee for having detained them so long, and say no more.

Mr. CAMBRELENG said that at the commencement of the debate he had, to avoid discussion, stated that, if we were to remain at peace with France, he thought the less we said upon the subject the better. He sincerely hoped and expected that the relations between the two countries would not be disturbed; but gentlemen had discussed the question as if we were now on the eve of war. Before he sat down, he should propose some modifications of the resolutions, which he hoped would meet the concurrence of the House on all sides. He would cheerfully submit them without further debate, but for the extraordinary argument of the gentleman from Virginia, [Mr. Archer,] who had addressed the House at length, and which rendered a reply indispensably necessary.

Before he proceeded to reply to the gentleman from Virginia, he would explain as to the resolution proposed by the committee. That part of it relating to negotiation he had not proposed—on the other hand, he had himself doubts of the propriety of interfering with the duties of the Executive. But there were members who would not vote for the resolution without that portion relating to further negotiation, and as the minority of the committee would not vote with him for a modification, he was compelled to report that or none. He hoped, however, that in the House we should have better success.

The gentleman from Virginia, [Mr. Archer,] and he believed the gentleman from South Carolina, [Mr. Pickens,] had both alluded to the right of the Chamber to refuse the appropriation. It had been stated that Mr. Rives was perfectly aware, when making the treaty, that the question must be submitted to the Chamber, and that, therefore, it could not be complete till it had received its sanction.

On this point, very great injustice had been done that distinguished gentleman, (Mr. Rives,) not only here, but elsewhere. In a document laid upon our tables—a document to which he was not permitted otherwise to refer—he meant the report of the Committee on Foreign Relations of the Senate--manifest injustice had been done to our late minister to France. In that report it is stated that Mr. Rives was aware that the treaty must be submitted to the Chamber; and, to sustain that position, the report goes from Mr. Rives's letter to the Secretary of State, detailing a conversation with the French minister, or that portion of it relating to what the letter said upon this subject. But, by an extraordinary oversight, the committee had suppressed the next paragraph in the same letter—a suppression which had been most successfully exposed by an opposition editor.

In that suppressed paragraph, Mr. Rives says to the Secretary of State, that, in reply to the French minister, he repelled the idea that the Chamber had any thing to do with the treaty-making power; that that power, by the French constitution, was in the King exclusively, and that the French minister assented to the propriety of his suggestions. It is (said Mr. C.) extraordinary, sir, that so pregnant a paragraph should have escaped the attention of the committee of the Senate, following as it did the passage quoted in their report. Mr. Rives never disputed the power of the Chamber to reject an appropriation, but the right of the Chamber is another question. If it be a right, sir, it is one never to be exercised but in the case of a gross and palpable usurpation on the part of the King. It is one never to be exercised on a paltry question of a few millions of francs, but only in great emergencies, involving the question of peace or war. If it be in any sense a right, I trust it is one which will never be enforced in this House; for it is at best but a right to violate the public faith, and to abrogate the solemn obligations of a treaty: a right to disgrace your country.

The gentleman from Virginia thought it extraordinary that we should go to war upon a question of claims. In all the history of war he had never known one for a cause like this. I had not expected such a declaration from a gentleman of his intelligence.

[Mr. Archer said he did not mean to be so understood.]

What, sir, was our war, which we made, though not declared, against France in 1798? Was it not for her depredations on our commerce? What was the war against England, in 1812, but for her captures under her orders in council? If we make war for spoliations on our commerce, are we not authorized to do so, when, after five-and-twenty years' negotiation, a treaty, founded upon such wrongs, is violated? Wrongs, too, which would have compelled us to meet the decrees of France with a declaration of war, had we not been, in 1812, forced to decide whether we should declare war against France or England; for both had violated our national rights, and the law of nations. France had not only violated public law, but the obligations of the treaty of 1800. The gentleman from Virginia [Mr. Archer] has given us a fallacious argument to alarm our fears, of the consequences to result from encountering so formidable a naval Power as France is at this time. Such opinions from so respectable a source are calculated to make an erroneous impression both at home and abroad. The gentleman has furnished us with a statistical table of the number of ships of war of each class belonging to the French navy. The naval power of a nation is not, sir, to be measured by the number of its vessels of war—it is a fallacious standard. It must be measured by the foundation on which naval power rests, the extent and character of its commercial marine. No nation possesses so powerful and effective a commercial marine as the United States, animated and invigorated, as it is, by the spirit of freedom.

The gentleman from Virginia may deceive himself, but France knows our naval strength, and England too; and if our national rights are maintained here, as they ought to be, in a spirit corresponding with the extent of our naval resources, neither France nor England will ever be willing to engage in a war with us. But, according to the argument of the gentleman, we are to be overwhelmed with some thirty or forty ships of the line. Sir, the ten thousand mariners whom we have now engaged in the whale trade--that "dreadful trade"--are alone sufficient to sweep from the ocean the whole naval power of France. Our mariners employed in the fisheries on our coast and on the banks, are able of themselves to contend successfully with any naval power existing. The naval resources of France may be great in ships and in her gallant officers—whose daring bravery no nation will dispute—but ships and officers are powerless without a well-disciplined and extensive commercial marine; and nations the most commercial must ever be the most powerful on the ocean. In a war with us, France can derive no aid from her army, though it were equal to that formidable force which crossed the Niemen in 1812. The war, if there be one, will be on the ocean. We have the materials ready for an immense navy: we have a commercial marine, always ready to avenge our wrongs, and we could put afloat in twelve months a naval force with which no nation could successfully contend. I do not say this, sir, because I anticipate war with France. Heaven forbid that the peace between the two nations should ever be disturbed--both nations have every motive to cherish it, and I am sure it never will be sacrificed for five-and-twenty millions of francs. But, sir, the extraordinary statements of the gentleman from Virginia have compelled me to dissipate the unfounded apprehensions they were calculated to excite, and which might do us an injury abroad. We have nothing to fear from any nation, come the contest when it may.

The gentleman has referred to the opinions expressed by our officers as to the great superiority and discipline of the French navy at the present time. Modesty, sir, is the characteristic of a brave man. Our officers will never underrate those who are, or those who may be, their antagonists. But the opinions of our officers can never sweep away our commercial marine, and, while we have that, we shall never concede superiority to any naval Power. France has, too, another powerful motive for not willingly engaging in a war with us. If she should attempt to interrupt the commerce between this country and Great Britain, or to interfere with British vessels trading between the United States and any part of the world—if she should venture to trespass on her neutrality, England would soon be a party in the war.

We mean, sir, to have no war with France. We mean to avoid it. To do so effectually, we must meet the crisis fearlessly, and maintain our national rights with dignity. Adopt that as your rule of conduct in your relations with foreign nations, and you will command the respect of the world, and, together with our isolated position, avoid war for a century to come. France, sir, will herself respect us the more for maintaining our rights with spirit and firmness. Gentlemen who entertained a different opinion must pardon him for totally dissenting from the policy adopted by the Senate. A persuasive tone is not the one which will ever obtain indemnity from any nation. The tone of the message, justly responded to by the gentleman from Massachusetts, [Mr. Adams,] is that which has commanded the respect of France, as it ought to have done, and the applause of nations. France respects us because we respect ourselves. For the first time, the French Chamber is awakened to the true character of the question. Hitherto it has been frittered away, trifled with, and lost sight of, amidst the struggle for power among the various parties in that body: they never looked abroad. Now, it has become a great national question, in which the honor and welfare of the nation is involved, and the measure will no longer be sacrificed to gratify the spirit of party.

If it be defeated, it will be because both Houses did not, at an early period of the session, respond to the tone of the message, not by adopting measures of reprisal at once, but by doing what we are now about to do, exhibiting a firm determination to sustain the rights and honor of the nation, should the obligations of the treaty be not fulfilled. But, sir, I believe the appropriation will have been, or will be, made. The composition of the Chambers differs from this body and the House of Commons. The privilege of voting in France is limited to 160,000 voters; and the Deputies represent more fully the commercial and manufacturing interests of France, thus having a deep interest in the question. It is essentially a body representing the cities and towns of France. Such representatives will surely not sacrifice the great interests of their constituents to gratify party revenge, and in a case where France is clearly in the wrong. But, whatever France may do, let us do our duty; and without desiring or anticipating the worst, let us be prepared for it.

I regret, sir, that I have been compelled to engage in this debate, contrary to my wish or design; for I anticipate and sincerely desire nothing but peace between the two great nations. I will now, sir, adopt, in the form of a resolution, a sentiment which I found this morning in the report of the minority of the Committee on Foreign Affairs. Had such a resolution been proposed in the committee, by either of the gentlemen who signed that document, it would have been, with perhaps one exception, unanimously supported. We were always ready to declare that "the treaty of the 4th July, 1831, should be maintained, and its execution insisted on at all hazards." I unite with them most cordially in the sentiment; and I hope the gentleman from Massachusetts will accept it as a substitute for his. The first and third resolutions will then be abandoned; and I trust that this resolution, with the second, will be adopted with unanimity.

The resolution was then read, and, being adopted by Mr. Adams as a modification of his own resolution, was placed in the order of proceedings, in lieu of the amendment originally offered by Mr. Adams. It is as follows:

Resolved, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on at all hazards.

Mr. BURGES contended that the House should do nothing which was calculated to throw embarrassment in the way of an amicable adjustment of the question. This House was on the eve of a political dissolution. It could do nothing efficient. It might pass resolutions; but if war was necessary, it did not possess the power, or could not at this late period carry out such a measure. Under the circumstances, he thought the members of this House should not throw any embarrassment in the way of their successors. He was pleased with the last resolution of the gentleman from New York, [Mr. Cambreleng,] in some respects. It contained no threat, and every individual in the land would insist upon having the treaty carried into effect as it was; no person would submit to a reduction of the sum, and it might with propriety be insisted that it should be increased.

Mr. B. was sorry that the question of war had been discussed upon this occasion. He referred to the maritime force and power of the two nations, and the detriment to the commerce of the United States which would result from such a war. He thought the House should be extremely cautious in its action upon a question which might result in war. He adverted to the ground of dispute with France. It involved a question of money only, and no case could be cited where a Christian nation had went to war merely for plunder. He insisted that there was much more cause for war on account of the bad faith and treatment which had originated our claims against France, than in a refusal to pay the sum of money which was stipulated to be paid us. He thought that, after the United States passed over the insults of France, we should be deeply and ingloriously disgraced by going to war, merely because France would not pay a sum of money for accumulated wrongs.

Mr. B. entered, at some length, into a history of the difficulties with France, and contended that there existed no just cause of war. The present aspect of the controversy seemed to him to be a mere question of etiquette between the President and the French King, and the foreign minister of this Government and the Minister of State of France.

In conclusion, Mr. B. said the House might pass any resolution it chose. He should not object, unless it was implied that if France did not pay the money we would go to war. The resolution before the House declared the treaty should be maintained at all hazards. There were but few things which should be maintained at all hazards. What were they? Was a mere question of money one? Certainly not. He viewed such a declaration on our part tantamount to saying that we would demand this sum, if refused, through war. France would be cowardly, indeed, if she should pay the money under such circumstances.

Mr. COULTER said that he had been much gratified by the declaration of the chairman of the Committee on Foreign Affairs, [Mr. Cambreleng,] that he would, on behalf of the majority of the committee, abandon the third resolution which they had reported, and agree to a modification of the first. That declaration opened the way to greater unanimity, and would enable him to coalesce with the majority of the committee. He regretted, however, that the chairman had alluded to occurrences in the committee. It was very true that the minority report had not been read in committee; but it was freely stated at the last meeting, indeed, long before, that such a paper had been prepared; it had been offered in the House, and whilst the majority, who had decided on their own course, expressed no wish to have it read, there seemed to be no propriety in officiously obtruding it upon their attention. The opinions and views of the minority were well known in the committee, having been frequently stated during the winter. He felt assured that the gentleman from Massachusetts [Mr. Everett] had not withheld the paper from the committee out of any spirit of unkindness; on the contrary, it was from a just sense of propriety and delicacy. Mr. C. said that he had voted in committee against the first resolution, because, in his opinion, it interfered too authoritatively with the executive functions. The constitution had reposited in that department, exclusively, the management of negotiations with foreign Powers. He could not, therefore, as a member of that House, consent to say that negotiation ought to cease at any particular period. That was a matter within the executive discretion, for which it alone was responsible. He thought it ought to be left there. Many minor points, incidental to the treaty, might require negotiation; and, for aught he knew, negotiation might, in some form, be useful and indispensable even towards the execution of the treaty. On that point, therefore, he thought the House should not express an opinion. The third resolution of the committee was bottomed on the supposition that a rupture with the French nation was about to take place. In this point of view, he thought the resolution amounted to nothing. It was a mere abstract declaration that the country ought to be put into a state of defence. It manned no fort, put no ship in commission. Assuming, as an authorized contingency, that war with France was unavoidable, or even probable, he would have gone much further. He would vote specific sums, for specific purposes of defence; he would vote for requisition of soldiers, and every kind of suitable preparation. But, in his judgment, neither the House nor the nation was authorized to make any such supposition.

It would be thought to be unwise now to act upon the basis of such a supposition. The third resolution could do no actual good here, and might prejudice us abroad, by creating or increasing irritation. He was extremely glad, therefore, at the spirit manifested by the chairman of the committee; and, as he had extracted the closing sentence of the minority report, and agreed to submit it as a resolution, in substitution of those reported by the committee, he would vote for it readily and cheerfully, and he trusted it would be the harbinger of almost entire unanimity. I, for one, do not fear the results which spring up before the imagination of the gentleman from Rhode Island, [Mr. Burges,] arrayed in such guise of terror. The resolution, as now proposed, will not commit the House, or any member of it, in favor of war. It will rather prevent it. Let us look for a moment at the circumstances in which we are placed. The treaty was concluded in July, 1831. It was ratified by this country, and laws passed in pursuance of it early in 1832. Since that time, France has been enjoying the large immunities and strong discriminations in favor of her commerce afforded by the treaty. To this part, at least, the Chamber of Deputies have never objected. They have tacitly acquiesced in it, whilst their constituents and people were reaping the golden fruits of the rich harvest. Here we instituted a commission to distribute the five millions among our citizens who were robbed of their property twenty-five years ago; and, as we relied upon the faith of modern treaties, and the honor of France, our own citizens have been put to the trouble and expense of maintaining and exhibiting their claims before this tribunal of our own establishment. But when the first instalment became due, the French King dishonored the draft of our Government, and the public honor of our country was protested by brokers in Paris. We bore this without a murmur. At length the Chamber of Deputies took up the subject, and, after full debate, they resolved, a year ago, in the face of France and the world, that they would not pay the money. A new Chamber has been twice in session since, and we have waited, long and patiently, to see whether an awakened sense of public honor and national faith would not induce a tardy compliance with the treaty. But, sir, this House must be dissolved, and we mingling again with our constituents, before this question will be resolved to us. Any active measure is now out of the question; indeed, in my opinion, not necessary. But can this House separate without expressing an opinion to our constituents, to France, and to Europe, on the subject? Such an opinion the minority of the committee have fully expressed. There are two ways in which the peace of the country may be prejudiced. The one by a rash, impetuous, passionate, revengeful course of conduct; the other by a tame, quiescent, passive, pusillanimous submission to every affront. I would avoid both of these extremes, as equally fatal. This House, which is the immediate representatives of the people, ought to meet the crisis. I would not go one step in advance of the circumstances in which we are placed, from any feeling of pride; I would not lag one step behind them from any feeling of fear. I would meet the occasion. In my opinion, that demands from us an assertion that we will maintain this treaty.

It is not the language of boasting or pride, but the tone of self-respect and conscious national dignity and right. We cannot negotiate with the Chamber of Deputies. The French constitution declares that "the King is the supreme head of the State, declares war, makes treaties of peace, commerce, and alliance." But if we could appeal from the King to the Chambers, and transfer the negotiation to the legislative hall, what would be our language? Our minister would say, Gentlemen, we have the highest possible evidence that you owe us five millions; we have a solemn treaty acknowledging the fact. It is signed by the hand of your citizen King, and acknowledged by his ministers; it is verified by the broad seal of France, consecrated by the memory of St. Louis, of Henry the Fourth, and of Bonaparte. We ask no more; you can pay no less. If you will not fulfil this treaty, consecrated by national law, national honor, and national justice, it is useless to make any contract with you. If you are faithless to this, you may be faithless to all. This language would be unpleasant for them to hear; but it proves that new negotiation would be improper, for it is the only language that any American minister would dare to hold. It seems to us that we must maintain this treaty or be dishonored in the eyes of our citizens and of civilized Europe. A firm but temperate assertion of our resolution can give no just offence, after our long patience and moderation. If, now, when the question is put to us, we decide in the negative, it would seem to invite contumelious and cavalier treatment. The other branch of the Legislature, though not exactly in the same form, have expressed the same resolve in a manner full and adequate. Indeed, if I had any doubts on this subject, they have been all removed by the manner in which gentlemen opposed to the modified resolution have expressed themselves in relation to the army and navy of France, and her capacity for military enterprise. In a just cause, such considerations as these are of no more weight in the public mind than a feather in the blue sky. It is not possible, however, that an enlightened nation will make war upon us because we tell her firmly that we will insist upon the payment of what she has so solemnly acknowledged to be due. I have no fear, therefore, that she will, in the first instance, do any thing more than refuse to pay us. We do, in fact, know what is the disposition of the King, with whom resides the power of making war. It seems he is disposed to no such alternative. What, then, will be the result, if the French refuse to execute the treaty? Are gentlemen prepared to decide by their votes, to-day, that America will do nothing in that event? Or are they prepared to resolve that they will leave all to the grace and good pleasure of the French Chambers, lest, in saying any thing at all, we might offend their pride? I cannot believe that such are the dispositions of any gentleman here; yet, perhaps, we may so act that history would infer or impute them.

For my part, I am free to declare that, if the French Chambers shall again resolve not to execute the treaty, we cannot longer hold communion with the country, unless we are willing to give up our claim to be considered as a sovereign, independent, equal member of the family of nations. The first and most probable action on our part would be to withhold from her the courtesies and civilities which mark the intercourse between civilized nations. We should be justified in considering her as banned and barred from out the family of civilized nations, who acknowledge the law of the sea and the law of the land. The next step would be to withhold from her those strong discriminations in favor of her commerce, and the last tariff law, as well as in the treaty. Finally, we might declare and enforce a total non-intercourse with her. All these measures would be peaceful; and every commercial man knows how much the more severely she would suffer under such a state of things. But if she chose to make such peaceful measures of undoubted right the cause of war, why, let it come. With all its evils, it is better than national degradation. True, she was once our friend and ally. But when our fathers resolved to hold Great Britain as they held the rest of mankind, "enemies in war, in peace friends," how many hearts were there to which the green sward of old England, the brown heath of Caledonia, and the daisy-sprinkled carpet of the Emerald isle, were dear as the home of their fathers, and the scene of their highest recollections, both national and individual! The lily of France has changed its hue since it was borne by the side of our eagle. And, from 1793 till 1811, we were almost the passive recipients of contumelies, indignities, and wrongs. I wish not, however, to recall the recollections of those days. I have never had but one opinion as to the indefeasible justice of these claims, and the nature of the outrages for which the treaty made us indemnity. I fondly hope that the sense of civilized Europe, so clearly expressed, will bring a moral influence on the Chambers, more powerful than mere factious intrigues, and that they will execute the treaty. The gay, generous, and noble-spirited French, will never consent that the honor of the nation shall suffer the withering blight of broken faith; or that the escutcheon of her citizen

King, so lately crowned by their voices, shall be stained by the foul blot which a refusal to execute the treaty would make upon it.

Mr. **CHILTON** moved to amend the amendment of Mr. ADAMS, by striking out the words "at all hazards."

The **CHAIR** pronounced it not to be in order, as there was already an amendment to that amendment pending.

Mr. **CHILTON** hoped Mr. ADAMS would accept the amendment as a modification; it would secure many votes in favor of his proposition, which, if those words were retained, would be given against it.

Mr. **ADAMS** said he would not accept the modification; what he had already done in that way, by accepting the amendment proposed to him by the gentleman from New York, [Mr. CAMBRELENG,] he had done cheerfully, with a view to harmony, and, if possible, unanimity. Although he was willing to vote for the resolution as thus modified, yet he should still prefer that he had at first offered; as it had in it less of harshness, and less of reference to consequences which might follow. He had considered the three resolutions as different parts of one and the same system of measures. He had proposed to declare that we should stand upon our rights, and in no event cannot give them up.

The resolution had been explained and commented on by his friend from Virginia [Mr. PATTON] in a manner much more able and satisfactory than he could himself have done; and though he was willing to take the modification, yet if it did not suit the views of the House as well, he hoped he should not be called obstinate if he should still ask the House to take the question on the resolution in the form in which he had at first offered it.

Mr. **E. EVERETT**, adverting to the lateness of the hour, (it was now near dark,) proposed a recess till seven o'clock. He understood an express had just arrived with more recent intelligence from France than had yet been received; he presumed every gentleman would wish to have the benefit of the latest light to guide him. He therefore moved that the committee do now rise.

The motion prevailed: Ayes 87, noes 82.

The committee therefore rose and reported progress.

Mr. **EVERETT** now moved for a recess till seven o'clock; but, before any question could be taken,

The **CHAIR** laid before the House the following communication from the honorable Mr. EWING, of Indiana:

WASHINGTON CITY, *Feb.* 28, 1835.

To the Speaker of the House of Representatives:

SIR: My situation compels me to apologize to the House, and, through you, to my constituents, for my absence from my seat. While on my way to my boarding house, after the adjournment on the evening of the 26th instant. I was waylaid and assaulted in the most outrageous and dastardly manner, by John F. Lane, a lieutenant in the army, and son of the honorable A. Lane, of Indiana, for no other known cause than for words spoken in debate some weeks since, in reply to his father, on the floor of the House of Representatives.

I had but a casual acquaintance with the person who committed this outrage, and no intercourse whatever to lead to this assault. A blow from an iron cane, with a leaden head, accompanied the first notice of his intention to attack me, and was repeated by several others with a violence which, I regret to say, at this important and pressing period of the session, has entirely disabled me from taking my seat.

I have the honor to be your obedient servant,

JOHN EWING.

Mr. **HIESTER** moved to lay the communication on the table.

Mr. **MAY** said he understood that the President of the United States had ordered an inquiry into this subject.

Mr. **HIESTER**, at the request of several members, withdrew his motion.

Mr. **BOULDIN** doubted the propriety of instituting an inquiry on the part of the House, if one was already progressing in another quarter.

Mr. **KINNARD** rose to a question of order. The gentleman from Virginia [Mr. BOULDIN] was speaking of an inquiry, when none was demanded by his colleague. He had, in his letter, done what he had a perfect right to do—apologized to the House and his constituents for his absence at this interesting period of the session. He had assigned the cause which prevented his attendance. But he asked no inquiry; nor did he ask or desire the protection of the House. Mr. K. would say for his colleague that he was prepared and willing, on fair terms, with an equal and honorable antagonist, to protect and defend himself. Mr. K. would leave to other members of more experience than himself to propose such measures as might ensure to the constituents of a member his services on this floor, if, in the estimation of the House, there had been a breach of its privileges, and of the rights of one of its members.

Mr. **HANNEGAN** offered a resolution for the appointment of a select committee of seven members, to investigate the facts of the alleged assault, and that the same be reported to the House.

Mr. **BRIGGS** demanded the yeas and nays upon the adoption of the resolution; which were ordered.

Mr. **CLAYTON** moved an adjournment.

On this motion Mr. **MERCER** asked for the yeas and nays, and they were ordered.

Mr. **CLAYTON** withdrew the motion.

Mr. **C. P. WHITE** renewed it.

Mr. **WISE** demanded the yeas and nays; which were ordered, and were: Yeas 42, nays 156.

So the House refused to adjourn.

Mr. **HIESTER** renewed the motion to lay the resolution and communication on the table; negatived: Yeas 67, nays 128.

A debate of some length and much animation ensued, on the adoption of the resolution. It was opposed by Mr. **POLK**, and advocated by Messrs. **HARDIN**, **HANNEGAN**, and **EVANS**; when

Mr. **STEWART** moved the previous question; which was seconded, and agreed to.

The question being on the adoption of the resolution,

Mr. **REED** demanded the yeas and nays; which were ordered, and were: Yeas 127, nays 63.

So the resolution was agreed to.

Mr. **CAMBRELENG** moved that the House again go into committee on the report of the Committee on Foreign Affairs.

Mr. **RENCHER** moved an adjournment; which was carried: Yeas 114, nays not counted.

So the House adjourned.

MONDAY, MARCH 2.

THE PUBLIC LANDS.

The petition of sundry citizens of Mississippi, presented by Mr. PLUMMER on the 16th ultimo, praying for the passage of a law granting to each native citizen of the United States, not already a landholder, and who is not worth five hundred dollars, one hundred and sixty acres of land, on condition of settlement and continued cultivation for the period of five years, being under consideration,

Mr. **PLUMMER** remarked that he was pregnant with sundry speeches, on various subjects, and among them was one that he considered applicable to the subject-matter of the petition under consideration. A recurrence to first principles he deemed necessary to a correct understanding of the land question, as well as the proposition to amend the constitution of the United States. At the risk of again being charged with profanity, he would therefore refer to the same passages of scripture that he attempted to read on Friday last, as applicable to this subject. As it was the last day but one of the session, he would only make a few remarks, and withhold the main body of the speech, with the understanding that he should be allowed to have it printed at full length, as though delivered on that floor. The following are the passages of scripture referred to:

"In the beginning God created the heaven and the earth; and God said, let the waters under the heaven be gather together unto one place, and let the dry land appear. And it was so.

"And God said, let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

"So God created man in his own image; in the image of God created he him; male and female created he them.

"And God blessed them; and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it."

The Lord placed man, formed of the dust of the earth, in a garden, and commanded him to cultivate it. After the fall of man we are informed of the existence of Cain and Abel, the first a tiller of the ground, and the latter a keeper of sheep. When Abraham and Lot, who settled in the south of Egypt, became so rich in cattle that the country was not sufficient to support both of their herds, they separated themselves one from the other: Lot chose the plain of Jordan, while Abraham dwelt in the land of Canaan. Hence we learn from holy writ that there was no such thing as landed property in the early periods of the history of the world. Although a man had a natural right to occupy as much of the earth as was necessary for the sustenance of his flocks and herds, and "subdued it," in obedience to the divine command, he had no right to locate in perpetuity, as his property, any portion of it. The great Creator of the universe did not open a land office for the issuance of patents and title deeds to the sons and daughters of Adam, but he gave it to them as their inheritance. Landed property did not exist in the days of Abraham, Isaac, and Jacob, as will be inferred from the contentions which frequently arose among the herdsmen of those patriarchs of old. In that age of the world it was not admitted that land could be claimed as property. As the inhabitants of the earth increased and advanced in civilization, and began to obtain their living more by cultivating the earth than by hunting and feeding their flocks and herds, the idea of landed property first took its origin, from the impracticability of separating the improvement made by cultivation from the earth itself upon which that improvement was made. The value of the natural earth became swallowed up in the much greater value of the improvements. In this way the original common right of all became eventually absorbed in the cultivated right of each individual member of the community.

There was sound reason, and, in fact, absolute necessity, in this mode of changing the common right of the original proprietors of the soil into particular rights of individuals, which consists in the fact that man, in a natural state, subsisting by hunting and grazing, requires a much greater extent of country to range over to procure the means of support, than would enable him to sustain himself by cultivating the earth. When, therefore, the country became densely populated, there was a necessity for changing the original order of things; because, without the aid of agriculture and other arts and sciences of civilized life, the whole number of inhabitants could not have been sustained and supported. The great leading object of all Governments, formed by civilized societies, is, and ought to be, the protection, the welfare, the prosperity, and happiness of man. It has been doubted whether civilization has contributed more to the happiness or misery of mankind. He never had any doubts on the subject himself until he was made to doubt by facts which came under his own observation and knowledge, and which cannot be disputed. He had reference to the Choctaw and Chickasaw tribes of Indians. When he first became acquainted with them, a few years ago, they were a contented and happy people, in their natural and primitive state. Like the tribes of Israel, they held their country in common, each family occupying as much ground as was necessary for the women and children to raise their own corn, while the youthful warrior went forth to the chase, exultingly pursuing the deer as they bounded over the hills, and penetrating the cane-brakes in pursuit of the bear. This is the present happy condition of those Choctaws who have gone to the country assigned them in the regions of the far West. But a portion of them, who considered themselves sufficiently educated to live under the laws of the whites, and enjoy the blessings of civilization, were promised protection in the country of their fathers, and had guarantied to them, by treaty, as much land as they could cultivate. By the 14th article of the treaty of Dancing Rabbit creek, those who chose to remain and become citizens had secured to them six hundred and forty acres of land, on condition that they would remain. They did remain. They have lost their right now to remove at the expense of the Government. They are unable to join their tribe west of the river. If they ever should go, they have lost many of their rights as Choctaws, and forfeited all claim to any portion of the annuities. Their land, in many cases, has been sold from under them by this civilized Government, and their families driven from their homes and camps without the means of subsistence, in a state of wretchedness and want. The subject is, however, before the House, under the charge of the Committee on Indian Affairs, who, no doubt, will do their duty. He only adverted to the situation of these Indians for the purpose of proving, what he was almost afraid to assert for fear of touching the sensibility of gentlemen, that a natural and primitive (he would not say savage) state is more conducive to the general happiness of man than a state of civilization with a bad system and a mal-administration of laws. This is the condition of a portion of the American people. The condition of a man who has not been so fortunate as to inherit an estate from his ancestors, here in this boasted land of liberty, is worse than if he had been born before civilization began, or his lot been cast among the aborigines of our own country. Among the Indians, every man is born to property. He is a joint proprietor of the soil with the rest of his tribe, and has an equal participation with them in its natural productions. It is a principle laid down by political writers, and admitted by every one in theory, that the condition of a person born in a state of civilization ought not to be worse than one born among savages and barbarians. The petitioners represent that many of the sons of the patriots of the Revolution, throughout the United States, those who served in the late war, and against the Indians, and who have on many occasions devoted their time, expended their money, and periled their lives in defence of their country, are now too poor to purchase a home for their wives and children. Is not the condition of these men worse than it would have been if they had been born before civilization began, or among the Indians of our own country? I think I have shown that it is. In a state of nature all men are equal in rights, but not in power. The weak cannot protect themselves against the strong. The object of civilized Governments is therefore for the purpose of securing to each and every member of society that equality of rights which he was entitled to in a state of nature. The laws of every well-regulated Government tend to that point. How is it with our land laws? Do they protect that equality of rights inherent in man, or do they give the man of wealth an opportunity of acquiring a freehold in the soil which they deny to a poor man? Under the wise and humane provisions of our laws, we act as the giver, and not the guardian, of rights, for which society was formed. We give land to our citizens in proportion to their personal property, and withhold it entirely from him who has none. A man who is not born with an inheritance of one hundred dollars more than is necessary to satisfy his hunger and clothe his nakedness, is deprived of that equality of rights guarantied to him by the laws of nature and of nature's God. He is made by the laws of the country to bow submission to his fellow-man, and become the hireling, the vassal, the slave, of his more wealthy neighbor. He had not time to enlarge on the subject, but he must be permitted to assert that this inequality of rights created by our land laws was a blot upon our statute book, a stain upon our national character, and an insult to the offended majesty of Him who gave the earth to man as his inheritance, and commanded him to cultivate it. As well might Congress pass a law against that part of the Divine command which required man to "be fruitful and multiply," as against that portion which required him to "subdue" or cultivate the earth. Our Government is the only nation on earth that ever adopted the policy of holding up its waste and unappropriated lands as a source of revenue, unless for the time being, when its treasury had become exhausted by foreign or intestine wars. Our poor citizens are in a worse condition than they were under the arbitrary power of Spain, or the Crown of Great Britain. Those Governments gave to their transatlantic subjects as much land as they could cultivate, requiring of them no other consideration than settlement and cultivation, in addition to the expense of surveying.

The petitioners advert to the liberal course of policy pursued by other Governments in relation to their waste and unappropriated lands. They acknowledge their obligations to the general Government for the favors extended to the settlers on the public domain, in the many pre-emption and other laws which it has passed for their benefit, but they take a more liberal, expanded, and statesmanlike view of the subject, and ask the passage of a law granting to every native-born citizen of the United States, who is not already a landholder and is not worth five hundred dollars, one hundred and sixty acres of land, on condition of settlement and continued cultivation for the period of five years. It is not a local question, but one which affects the whole of the people, and is co-extensive with the Union. They highly approve of the several acts of Congress making grants of land to that distinguished patriot and friend of liberty, Gilbert Motier de Lafayette, and also to the brave exiles from Poland, who sought an asylum in our country, and express the hope that, in these United States, where all our citizens are soldiers, all defenders of the liberties of their country, the Government, holding extensive tracts of waste lands, will no longer permit any one of her native citizens to be left without a spot of ground which he can call his own. They state the fact that a neighboring Government (the Mexican Republic) is holding out inducements to emigrants, by offering donations of lands to actual settlers, and that many of our most valued citizens who have periled their lives in defence of those rights and liberties which they inherited from their fathers, will be compelled to seek there, in a distant land, a home which they cannot obtain here. Strange policy, indeed, for the United States to pursue, is that which receives with open arms, protects and provides with homes, the exiles of a distant nation, while it, in effect, drives by its laws our own citizen soldiers to seek a home under the protecting hand of a foreign Government. They advert to the payment of the national debt as a propitious period for the adoption of a more liberal policy on the subject of the public lands.

One of the arguments in favor of holding up the lands at a high price, as a source of revenue, urged by the politicians of the country, was, that they were pledged for the payment of the national debt. The national debt is at length paid. That glorious event, so gratifying to every true American, which has been so long looked to with hope and expectation by the people of the Union, has at length arrived, and can no longer be urged as a pretext to keep a portion of our most valued citizens in a state of abject slavery and bondage. He would not at that time permit himself to go into a discussion of the land question. His views on that subject are already known to the country. He could not, however, permit this occasion to pass without asserting the rights of the people of this country to their natural inheritance. He did not ask on the part of the poor man a grant of land sufficient to support his family as a charity, but he claimed it at the hands of the Government as a right. The Government is not the giver but the protector and guardian of the natural rights of the people. If the right of every man to as much land as he can cultivate does not exist in law, it is not because it does not exist in fact, but because it has been usurped and taken from him by the legislators of the land. A compliance with the prayer of the petitioners would, therefore, not be a creation of a right, but only the acknowledgment, by law, of a pre-existing right; a right, as he had shown, coeval with the existence of man.

WEST POINT ACADEMY.

The report and bill from the select committee on the West Point Academy were taken up, the question being on the motion to recommit and print.

Mr. GARLAND moved to lay the whole subject on the table, but withdrew it.

Mr. MANN called for the reading of the report.

Mr. WILDE renewed the motion to lay on the table, and withdrew it.

After a conversation on a point of order, Mr. HALL, of North Carolina, spoke in opposition to the printing of the report, on the ground that, in consequence of the irregular mode in which the committee conducted the business, the report was not entitled to be considered as the report of a committee.

Mr. J. Y. MASON rose to a point of order. He contended that it was not in order to discuss the proceedings of a committee.

The CHAIR overruled the objection.

Mr. HALL proceeded to review the course of the committee, and argued from it that the report was not entitled to the sanction of the House. Before he had concluded,

Mr. CAMBRELENG moved that the House proceed to the orders of the day; which was agreed to.

RELATIONS WITH FRANCE.

Mr. CAMBRELENG moved to discharge the Committee of the Whole on the state of the Union from the further consideration of the report and resolutions of the Committee on Foreign Affairs, on the subject of the relations with France.

On this motion Mr. WILDE asked for the yeas and nays; which were ordered, and were: Ayes 104, nays 92.

So the motion prevailed.

The report and resolutions being before the House,

Mr. J. Q. ADAMS said he had, on Saturday, accepted the amendment of the gentleman from Virginia, [Mr. Archer,] as a modification of his first resolution; but, he begged to state, that he wished a direct vote upon his resolution, if the amendment of Mr. Archer should be rejected.

Some conversation ensued upon the question before the House; and after an explanation from Mr. MASON, of Virginia, who was in the chair in the Committee of the Whole on the state of the Union on Saturday,

The SPEAKER informed the House that the question would be on the amendment of Mr. Archer first, which is as follows:

"*Resolved*, That in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations of the treaty of indemnity with that Government of the 4th of July, 1831, this House will forbear at the present time to adopt any measure in relation to that subject."

Mr. E. EVERETT, was entitled to the floor, and addressed the House as follows:

Mr. Speaker: When the Committee of the Whole on the state of the Union rose last Saturday, it was on my motion. I wished, at the late hour of the day at which we had arrived, to take a short recess, and, returning in the evening, dispose of the question, finally, before the House should adjourn. Circumstances occurred, after the committee rose, which are in the recollection of the House, and which defeated this purpose. It was my intention, had the House resumed the discussion on Saturday evening, to have said a few words on the form in which the question had been placed by the last movement of the chairman of the Committee on Foreign Affairs; and this still seems my duty, under the circumstances of the case. I did not, but for this, purpose to enter into the debate. To do so, at this stage of the session, is grievously to offend against the public service. I have had an opportunity, in another form, to submit the general views entertained of the question by two of my colleagues on the committee and myself, to the House and the country. Sir, there is another reason for not debating this question. It is next to impossible to do so, on any side of the House, without saying what had better not be said. I think it must have crossed the mind of every gentleman on the floor, that there has not been a speech made which did not contain some sentiment which might prejudice the public interest at home or abroad. I cannot hope to avoid the same danger.

But the gentleman from New York, by detaching a portion of a sentence from the concluding paragraph of the minority report, and submitting it to the House in the form of a resolution, has compelled me to make some explanations of the purport of the sentiment expressed in that extracted sentence, to prevent the misconceptions of which it has been, and may still be, the subject. These explanations shall be as brief as possible.

Sir, this subject came before the Committee on Foreign Affairs at the commencement of the session, under the reference of the President's message, in which he recommended, that in case no appropriation should be made by the French Chambers, at their present session, to execute the treaty, reprisals should be authorized against the commerce of France. A proposition to that effect was distinctly submitted to the committee, at an early period, by its late chairman, Mr. Wayne. I thought the recommendation and the measure in the highest degree inexpedient, and equally so, whether they were to be adopted or not; for if the measure was to be adopted, this previous notice might naturally have the effect of putting the other party on his guard, and leading him to anticipate it. The committee, by a very large majority, six to three, rejected that measure, and it was publicly known that they had done so, on the day on which the resolution of the Senate was adopted, or the day after.

But, still more effectually to counteract the unfavorable operation of the recommendation, I wished the committee and my colleagues of the minority were of the same mind, to report their non-concurrence in the President's recommendation to the House. But to prevent such a course from operating in the slightest degree to the injury of the American cause, or implying the remotest purpose to abandon the treaty, I wished the resolution, declaring it as the sense of the House that reprisals were inexpedient, to be accompanied by a report, which should effectually preclude any such inference. Such a report I prepared, but the committee was pleased to intrust the duty of making its reports to the far abler hands of the gentleman from New York, [Mr. Cambreleng,] which may account for my not obtruding on them the views I took on the subject. But the majority of the committee, while they steadily rejected the proposed measure of reprisals, as steadily declined reporting to the House; and thus the session has passed off, and no report been made, till at the last moment, when we are unquestionably less prepared to act on it than ever before; when the utmost we know is, that very important movements are going on of which we know nothing; we are called upon, not to consider—there is no time for that but to dispose of the question—on the resolutions now submitted.

These resolutions were offered in the committee on the 20th of February, little over a week ago. The gentleman from New York, if I understood him across the House, said the minority of the committee would vote neither one way nor the other, and that he could not tell whether we are for or against them. I regret these disorderly allusions to the doings of the committee. They are of very recent introduction, in reference to that committee, and, the House will bear me witness, never resorted to by me but in self-defence. Sir, I never for a moment concealed my opinions on the resolution, by silence, or in any other way. I uniformly and distinctly said that I was utterly opposed to the first part of the resolution, which went to close the door on negotiation. I as distinctly said that I approved the sentiment of the second portion of the resolution, viz: that the treaty was to be insisted on; but I thought and said that I doubted the expediency of submitting a resolution to the House. I was at a great loss as to the proper language for such a resolution as it would be wise to adopt; but I had not decided that I would vote for no resolution whatever, although it was my prevailing opinion that this, upon the whole, was the safer course. Accordingly, in preparing our minority report, where, of course, we had full opportunity unembarrassed to present the subject to the House in the form which we thought best, my colleagues and myself forbore to offer any resolutions to the House. But the majority insisted on reporting resolutions, and adopted those which are before the House, as, in their opinion, the resolutions likely to unite the greatest number of voices. These the chairman thought it expedient to submit, without an exposition of the case.

The minority, therefore, had nothing left but to pursue their own course, and submit their views of this great subject to the House and the people. In doing this, four things were to be attended to; first, to state their dissent from the proposed measure of reprisals; a most important point, which, if justice was to be done to the views of the minority, should have been extracted from their report, in conjunction with its closing sentence. This dissent, however, is stated by us in the mildest terms possible towards our colleagues, who were disposed to adopt the President's recommendation. The second point was to set forth the origin and justice of the claims, and the obligation of the treaty, in reply to a portion of the arguments against it in the French Chambers. Those arguments have been scattered by the House through the country, by the publication of ten thousand copies of the pamphlet which contains them. The minority thought that some counter statements on so grave a subject ought to go out to the people, who are just beginning to discuss it, to show that, in standing on the treaty, we stand on a basis of truth and justice. Thus far there was no difficulty. The third point was one of delicacy. It was the degree to which the recent diplomatic collisions varied the state of the question. This is one of the topics which I had in my mind, when I said it was next to impossible freely to canvass the question, without saying something which had better not be said. I will not, in repeating it, disregard my own caution. I will only say the majority thought the question to be greatly affected by these diplomatic collisions; the minority thought otherwise. This opinion is intimated with great moderation in the minority report. I would still adhere to the language of prudence on this subject; but I will say to this House that I deem it the most important office which Congress has to perform on this question, to keep the great controversy on its original basis and merits. There is difficulty enough in it. Do not let it be aggravated by a diplomatic controversy, recent, superinduced, and personal. Let not "factitious subjects of collision," as Mr. Livingston justly calls them, in writing to the Count de Rigny, be substituted for the main question of the execution of the treaty. But I will not go into this matter. I have an opinion, a very decided one, in reference to it; but I will only repeat, what is stated in the report of the minority, that in our judgment the occurrences connected with the interruption of the usual diplomatic intercourse between the two countries, (as far as they have been communicated to us, which is but imperfectly,) do not admit the interference of Congress. From these premises, we came to our fourth proposition, that nothing ought to be done at this session of Congress, although we avowed our willingness, if any measures were deemed necessary in the ordinary course of legislation, for the public defence and safety, to co-operate in their passage. Our reference was to bills before this House or the other, or their committees, for the repair and armament of the fortifications. The confidential friends of the Executive, who compose the majority of the Committee of Ways and Means in this House, thought it expedient at the beginning of the session to follow up the recommendation of reprisals, (a hostile if not a warlike measure,) with a reduction to one half of the usual amount of the ordinary appropriations for fortifications; and I was for one prepared to support the amendments moved in the Senate to the bills of this House to supply this singular omission.

And, with this exposition of their views, the minority deemed it expedient to stop, consigning the whole subject, in all its human bearings, to the consideration of the people and the deliberations of the next Congress. But to prevent the misconception of their views, toward which they thought they perceived some tendency, they added, as a closing sentiment, the words which the gentleman from New York has detached from their context, and offered as a resolution.

Sir, these words contain my opinion, my feeling, my judgment; but they are not my resolution. I did not draught them nor offer them as a resolution. In the hands of the gentleman from New York, and in the use to which he puts them, they are open to some objection; for a resolution they are not, entirely in parliamentary style. But they appear to suit the gentleman from New York for that purpose; he adopted them two days ago; declared they met the unanimous approbation of the majority of the committee, and he still adheres to them.

A motion has been made to strike out the words "at all hazards," which, if the sentence passes as a resolution would, I think, be an improvement in the phraseology, though not changing the sense; for I take it when a man says he insists on a thing, he does not mean that he insists on it, if nobody makes objection, but if his right is disputed he will give it up. And when a nation insists, I do not understand that the meaning is that she insists so long as things go smoothly, but if any one encroaches she will step back. No, sir, I take it that to insist is precisely to claim your right, at whatever hazard. To stand or fall by it. For this reason, though the qualification is naturally enough introduced for the purpose of emphasis in a discussion, I think it better omitted in a resolution.

With this change, the resolution will stand, that the treaty ought to be maintained and its execution insisted upon. Ought it not, sir? Is there any dissentient voice? Is there any man here who thinks that the treaty ought not to be maintained, that its execution ought not to be insisted on? Of course not. There may be difference of opinion as to the expediency of expressing that sentiment by way of resolution; there can be none as to the sentiment itself. The gentleman from Virginia [Mr. ARCHER] has moved an amendment to the effect that the House, entertaining a just expectation that the treaty will be complied with, forbears, at the present time, to adopt any measure.

[Mr. BINNEY here intimated to Mr. E. that those words had been since omitted by Mr. ARCHER.]

A very judicious change; for certainly those expressions, "forbears," and at "the present time," were liable to all the objections which would apply to the adoption, at this moment, of a resolution relative to the measures which would be resorted to, when the just expectation, now entertained, should be disappointed, and forbearance cease to be a duty.

But what is the course of the policy we would recommend, in saying that the treaty should be maintained, and its execution insisted on? for if this proposition is to be submitted to the House, it is proper that its import should not be mistaken.

First, then, let me say what the course recommended is not, neither in its letter nor its spirit. It is not that the execution of the treaty is to be enforced at all hazards. We say nothing about that, positively or negatively. What a man will insist on he knows; what he will enforce is beyond the grasp of human foresight. But the treaty is to be maintained, and its execution insisted on: never abandoned; never compromised: steadily pursued, by such a course of policy as shall be thought best adapted to effect the object. What is that course of policy? It is, in the first place, to abstain from every thing irritating and minatory. The question is necessarily beset with some grave difficulties. Great care, as I have already observed, should be taken to exclude from it "all factitious" subjects of collision.

Then, instead of shutting the door of negotiation, we would keep it wide open to the last. How else is the difficulty to be remedied? Look at Mr. Livingston's last despatch. Awkwardly situated as he was, doubtful whether he had been dismissed by the French Government, he yet tells Mr. Forsyth that he will endeavor to obtain an explanation from the minister relative to the omission of interest in the *projet de loi*. And what is this but negotiation? When the first resolution was in the Committee on Foreign Affairs, I objected to it on this ground: I said then, as my distinguished colleague [Mr. Adams] said the other day, that I would not pass a resolution not to negotiate, not even *flagrante bello*. No, sir, not though burning, blazing war was raging from Georgia to Maine, and over all the ocean. Is it to burn for ever? How is it to be extinguished? The gentleman from Virginia [Mr. Archer] asks how you can negotiate, if you first resolve you will insist on the treaty? I answer, negotiate on that basis. Negotiation does not imply that every thing is subject to be surrendered. Our commissioners in 1782 negotiated on the immovable basis of the recognition of the independence of the United States.

But suppose the negotiation fails. What would I do then? That question it is not possible, nor, if possible, either necessary or expedient to answer. Who can foresee, define, the future? We must be governed by circumstances; and the only thing of which there can be no doubt, is that, in the language of the resolution, we could still maintain the treaty, and insist upon its execution. For simple non-execution I would not go to war. I would, among other alternatives, try the experiment of commercial restrictions. I would do away the discriminations now existing in favor of some branches of French commerce; and thus bring the question home to the manufacturers, merchants, and agricultural interest in France. I had as lief trust the starving weavers of Lyons to negotiate for me, as the most skilful of our *diplomates*. I believe they would plead our cause successfully. Mr. Livingston is of the same opinion. He says in his letter of the 11th of January, "Should Congress propose commercial restriction or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals; and then the law will be proposed, and I think carried." Yes, sir, Mr. Livingston, after having received the message, built his hopes of the execution of the treaty by France, on the expectation that Congress would reject the President's recommendation of reprisals and adopt commercial restrictions. But, in ordering these restrictions, it would be expedient to adopt such only as would not interfere with the treaty of 1831.

But should this measure fail, what other could be resorted to? A non-intercourse has been proposed as a milder, and probably more efficacious measure than hostilities. Memorials to that effect, from the quarter of the country I have the honor in part to represent, are before the House. It is within the competence of the United States, by giving six months' notice, to relinquish the convention of 1822, and thus disembarrass these measures of all question of right, under existing compacts.

And if this course should fail, what should then be done? Sir, I know not. I go no further in indicating a practicable course; others may, who are wiser. Into that dark and inauspicious condition of things, which will arise, should every measure suggested fail, I presume not to penetrate. I will not try to lift the veil that hangs over the future. There are great and eventful crises in the affairs of all nations, but it is wantonness to sport with predictions of the form, the time, and the causes of their occurrence. This I will only say, that, in my present judgment, the mere non-execution of a treaty, unaccompanied with affront, insult, outrage, or any other circumstance touching the character of the nation, will not probably be thought, by the country or by Congress, a necessary cause of war. But I leave that question to those who will have to decide it. I would not shun my share of responsibilty, did it devolve upon me; but it does not.

Another day, sir, will close my humble career in this place. If, before leaving it, in all probability never to return; if on parting, most certainly never to meet again, from many respected, and some whom I may call beloved associates, I might use the privilege of one who, faithful to his political friends, has yet never designedly assumed the character of a violent opponent, not wandered far from the path of moderate counsels; if from the bottom of a heart, which (if I know it) bears no malice, political or personal, to any human being, I might utter one word of farewell to my esteemed associates who will still occupy these seats, and of appeal to those who will come to fill our vacant places; that word should be, in the name of Heaven, to preserve the peace of the country. I do not address this to the minority, to my political friends, the only part of the House to whom I could, in strict propriety, offer a suggestion. We, sir, in the present division of parties, can do nothing, borne down, I will not say trampled down, as we are by numbers, on this floor: without the control of a single committee, and with no means to exercise an influence in the country but by the fearless utterance of the truth. But I speak to the majority; to the leaders of the majority; men whom I could name, here and elsewhere, did not delicacy forbid; men whose talents I respect; whose motives I will not impugn; and to whom, without a shade of envy, I wish the happy enjoyment of their honors; I say to them, in the name of Heaven, preserve the peace of the country. They can do it; it is in their hands; and I declare on my conscience, I believe the next twelve months are hanging over them, full of consequences more momentous than are ordinarily brought about in an age. I adjure them by all they value, by their love of honest fame, as they prize the good opinion of good men, as they cherish the welfare of their families and the public interest—I implore them to preserve the peace of the country. I beseech them to manage this great question with firmness, resolutely, but gently, patiently, wisely; and if they would not deserve the execrations of honest men, to the end of time, to exclude from it every thought and calculation of partisan policy.

Sir, if I might go farther, if I thought my humble voice would reach the President of the United States, a voice which, if it never flattered him, never vilified him, nor ever withheld from him the meed of praise to which his services are entitled, I would say to him, I adjure you, sir, to use your tremendous power to preserve the peace of the country. Our institutions are popular—democratic; but at this moment, and on this question, (I say it not invidiously, but because it is true) the President of the United States exercises a greater power than any King or Emperor that ever filled a throne; ten times the power of the King of the French, who appears, in some degree, as a party opposed to the President in this painful controversy. Let me adjure the President to exercise his vast power to preserve the peace of the country. Let the last years of his eventful life, already crowned with a singular variety of success and honor, be signalized by the glories of a war, not gallantly braved but honorably avoided. Let him add to his laurels, one more precious than all, the olive wreath of bloodless triumph, *victoria sine clade*—a continued peace and all its blessings. I too, sir, with my distinguished colleague, [Mr. Adams,] admire the President's spirit. But spirit is not all that is wanted for the conduct of great affairs. There must be prudence, there must be moderation, there must be wisdom. Nobody doubts the President's spirit. Would to God he would carry the country through this crisis in such a manner as to gain the praise of a masterly discretion, a heroic forbearance; and enable us, his opponents, to say,

"——— 'tis much he dares;
And to that dauntless temper of his mind,
He hath a wisdom, that doth guide his valor
To act in safety."

Sir, if the President will so temper his policy, on this occasion, as to carry this country honorably through the controversy, without a war--and I think it can be done—he will draw down upon his head the blessings of men, whose voices have never mingled with the incense of his flatterers; and his name, in the eyes of all mankind and of an impartial posterity, will appear fairer and brighter than when he came out from the blazing lines of New Orleans, in all the freshness of his victory and its honors.

Let the President pursue this policy, in this temper, and he will carry the people along with him, whatever may betide. As one of the humblest of her sons, I engage for New England. The public mind, I think, is entirely sound on this question. The people are anxious: it is natural. There is a vast property afloat; our merchants have connexions with every accessible port on the habitable globe. There are two entire capitals, not less than a hundred millions each, in transit. These are great interests. The people do not want war—do not want war with France—do not want war for five millions of dollars. Neither do they want the rights of the country sacrificed or abandoned; and less than all, do they wish to submit to affront or outrage. I will answer for the merchants of Massachusetts; give them a just and necessary cause, and they will say to you as John Hancock did in 1775, when asked his opinion in Congress, on the expediency of destroying Boston, then in the hands of the enemy: "My property, my all is there, and if the public good requires it, I give it for my country." This spirit is as strong now as ever, in town and in country. But the people are not blind to the dreadful evils of war. It is, at best, a dire calamity. They do not wish to plunge into it. They look to their Government to do its duty firmly, but prudently; and they look to France to do her duty. The burden of remaining at peace does not rest exclusively on us. It rests equally on the other party. France, her King, her ministers, her Chambers, and leading men, have a great responsibility to bear. The great original wrong—the plunder of our commerce—was on the part of France. The first wrong step since the treaty was hers, in refusing to execute it. France has placed herself eminently, signally, in the wrong. There, sir, for Heaven's sake, let us keep her. So long as we stand on that vantage ground, we cannot be shaken. The moment we quit it, half our strength is lost. Let us keep in the right, and I believe we shall keep at peace; and if that hope fails, we shall go as one man to the contest.

When Mr. EVERETT had concluded,

Mr. ALLEN, of Ohio, rose and addressed the House as follows:

Mr. Speaker: However much I may be disinclined to yield to the general reasoning of the honorable gentleman from Massachusetts [Mr. EVERETT] who has this moment resumed his seat, I may very truly reiterate his concluding remarks. I, too, am on the eve of political dissolution; and it is with the last breath of a very brief public life that I am to pronounce a vote upon a question the decision of which must immediately influence the character, and may remotely affect the independence, of the nation. This question, sir, is one of no frequent occurrence; arising, as it does, out of the delicate complexity of our foreign relations, its novelty must excite the curiosity of other countries scarcely less than its magnitude awakens the feelings of our own. Upon such a question, it seems to me that the opinion of this House should not go forth imbodied only in the dumb record of a formal vote; but the constitutional necessity of closing the session to-morrow must, of course, limit discussion, and compel all who participate in it to submit but an imperfect outline of their views, unaccompanied by the customary illustrations of elaborated argument. And yet, sir, I am not certain that this restraint is much to be regretted. For, should the action of this body result, as I trust it will, in a declaration of its stern determination to maintain the national honor, it will require but little reasoning to justify its course in the impartial judgment of the world. And if, upon the other hand, we should shrink in servile terror from the imaginary dangers of such a declaration, we shall find in no fortress that argument can erect a secure refuge from the cold contempt of mankind.

Sir, the incidental and promiscuous discussion which this subject has already undergone discloses in this House a most extraordinary ambiguity of feeling and miscellaneous mixture of contradictory opinions. Were the claims of our citizens upon the French Government for spoliations just? All admit it. Has France become bound to the United States, by treaty, to indemnify those citizens, through their Government? No man denies it. Have three years elapsed since the ratification of the treaty; and is the indemnity yet unpaid? It is conceded. Ought the United States to insist upon the faithful execution of the treaty by France? From all quarters the reply is, yes. Such are the questions, and such the answers of all. And yet, many of those who thus express themselves as individuals and as members upon this floor, conclude by telling us that this House, which represents the interests, the will, and purposes of the nation, ought not, as such, to declare these facts in the form of a resolution—ought not to declare them, because the door of negotiation should not be closed—because such a declaration might wound the royal sensibility of the King of the French—because a rupture between the two countries might be the result, and war follow as the ultimate consequence. To these potential reasons the gentleman from Virginia [Mr. ARCHER] has added another: that France is great and strong, that we are small and feeble, and that we must therefore submit. Yes, sir, submit to the violation of national faith, to the infraction of treaties, and to the dishonor of our country, and that, too, not only without resistance, but without even the last poor privilege of subdued imbecility—the hopeless privilege of complaint. We are to acquiesce in sullen submission to our fate, in being rudely spurned from within the pale of the law of nations; and, thus degraded, we are to ask the world to fix the standard of our national honor upon the basis of our national degradation.

In order to give force to these arguments, the subject under discussion has been treated as a proposition of immediate hostilities. Gentlemen have assumed, first, that we are about to declare war; and, secondly, that victory will abandon our flag, and defeat dishonor our arms. Our fears are thus to be excited, our energies paralyzed, and our spirit subdued, by this assumption of facts which do not exist, and foreboding of ruin that never can happen. All the calamities of disastrous war have been grouped together and pressed upon the imagination; and whilst this pale progeny of an affrighted fancy is drawn up in mournful array before us, we are invoked, in the impassioned prayer of a patriot for the preservation of his country, not to "unchain the angel of destruction in the land."

Sir, as men who are willing to reason and deliberate, it may be well to remove this "grim-visaged" spectre of war from our view, whose presence seems so much to dim the vision as to render every other object invisible but its own "wrinkled front."

Mr. Speaker, I will take the liberty of saying that the question of peace or war, so far from being now under discussion here, is a question which this country is not, nor can be, called upon to decide. That question is with France alone. She will judge of her own interests, and be governed by her own judgment. If the Government of France, or the predominating party there, believe, contrary to the opinion of all the rest of the world, that their interests will be promoted by their refusal to execute this treaty, and by a consequent change of the relations between the two countries, from peace and amity to anger and war, that refusal will be given and that change be made. This she will do, apart from all other considerations. If such be her purpose, our course will not influence hers. Whether we act with energy, or continue torpid, her conduct will be the same. Her interests alone will direct her action. Congress may rebuke the President, and try to ward off calamity by assuming cowardice; but if France thinks it her policy to quarrel with us, her sagacity will soon discover in this treaty the pretext of a rupture, and give to the discovery all the plausibility of national honor. When, sir, I say that France will pursue what she supposes her interests, apart from all other considerations, I mean to impute to her no greater disregard of the integrity of international obligations than is equally imputable to all other Governments. Sir, in discussing the great concerns of a nation, it is proper that we should look sincerely upon things as they are—as they stand, and must for ever stand, fixed by the irrevocable law of necessity. We should lay aside the courteous duplicity of private life, and speak of facts as we see them. We should be governed in our course by the realities of truth, not by the delusive drapery which the refined sensibility of the world has thrown around its offensive deformity. The history of all time past forbids us to doubt that, in reference to the rest of mankind, the interest of a nation is its only standard of morals. And, sir, I do not hesitate to assert that the nature of man, the necessities of his condition, and the consequent direction of human affairs, render it impossible to erect any other standard for the conduct of nations. So deep are the effects of this truth, that the public opinion of the world has made national honor itself to consist alone in a nation's capacity to discern, and in its resolution and success in the prosecution of its real interests.

We may, therefore, be assured, that if France believes it to be her interest, in reference either to her external policy or internal condition, to interrupt the harmony subsisting between the two nations, and to assume a hostile relation towards us, neither the tone of the executive message, nor the passage of this resolution, will divert her from her purpose, or hurry her in its execution. We may increase the plausibility of her justification, but will not furnish the justification itself.

But if, sir, as is doubtless the fact, France recognises her own interests and policy in the continuance of reciprocal friendship, between her and us, she will not passionately sacrifice those interests. Why should she? Is it because the President and this House tell her that she must execute this treaty—tell her that which the law of nations told her at the time of its ratification? No, sir: there are men as well as children in France. It is not to be supposed that a nation, to whom the judgment of mankind has voluntarily ascribed the highest intellectual attributes—a nation whose infinite variety of fortune, through a series of two thousand years, has taught her the value of wisdom and the penalty of imprudence, will now, in the full maturity of her faculties, give way to the puerile passion of offended vanity, and sacrifice her best interests in the very presence and to the evident benefit of a great neighboring Power and natural enemy. And all for what? Because her ancient friend presumes to speak to her in the frank and firm tone of that independence which she herself assisted to achieve. No, sir, it is weakness to suppose it. France will redeem her plighted faith, if we do not, by our silent indifference, invite its forfeiture. If she do not desire a rupture at all events, she will pay the indemnity; but not without we have the courage to demand it—to demand it in a tone which shall distinctly imply that her refusal will disturb the commercial intercourse of the two countries, and afford the American Republic an opportunity of exhibiting herself to the eyes of regal Europe, not as an appended satellite, but as a primary power, moving within the orbit of the law of nations.

In either of the two aspects in which I have placed this subject, I maintain that the interests, the honor, and independence of the nation, require of this House the passage of a resolution strongly and distinctly declaratory of the feeling and determination of the country. France should be told, in language too emphatic to be misunderstood, that this treaty is to be maintained and its execution enforced, without regard to the consequences contingent upon her displeasure. She should know that, as an independent nation, we must consult our own sense of justice and national honor, not her affected sensibility, to find the rule of our conduct.

The first element of civil liberty is national independence; and it becomes, therefore, the first and most sacred duty of the people of the United States to guard and maintain that independence. To guard it, as well against the silent and secret progress of a principle which may ultimately undermine its foundation as against the most immediate and open assaults. And, sir, I falter not in asserting that, however much to be dreaded or deplored may be the result, should France be pleased to make our firmness the pretext of hostilities, yet that the consequences of betraying a want of that firmness will be immeasurably more so. She had placed us in a conjuncture where silence is disgrace, submission infamous, and even moderation a reproach. To stand mute and motionless in this position is impossible, consistently with the real independence of the country. When, sir, I speak of national independence, I do not mean a mere colonial exemption from the absolute dominion of another country. I mean that independence which lifts a nation to the rank of a primary power; which places all other Governments, with regard to her, under the obligations of international law; and which affords protection to the citizen and his property, on every sea, against every power but the winds and the waves.

The question before us, to be fully comprehended in all its relations, must be viewed in a double aspect: as a question involving the protection of commerce as well as the observance of treaties. When we were negotiating for indemnity, did we mean to say to France, if you refuse the indemnity we can do nothing more? When the treaty was ratified, did we intend to leave its execution dependent upon the good will and pleasure of France alone? If so, then indeed should this House tremble and stand mute. For, as a nation, we have already denationalized our own flag, exposed our commerce to the unsparing rapacity of foreign nations, and exerted the treaty-making function, one of the highest attributes of national independence, only to bind ourselves and absolve all the rest of mankind. If not so, why should we not feel, and speak, and act, as becomes a people who, if not quick, are yet certain, to assert their rights, and able to enforce them? Why bear and forbear, when every moment of our patience is at the evident peril of dishonor? The answers to these questions have already been given: we are a Republic; our policy is peace; this treaty is with a great monarchy; if we say any thing about it, we may displease the King, and perhaps he will declare war against us.

Sir, it has been truly said and often repeated, that our institutions are essentially pacific. This remark must be understood to mean that the genius of our system necessarily restrains that passion for foreign conquest and enlarged dominion common to all nations. If it mean more, it is nonsense. If it mean that the moral action of our institutions upon the mind and heart of the nation tends to reduce the standard of national honor, benumbs the sensibility of the people, and substitutes humiliating fortitude for the spirit of resistance, when outrage is offered—if this be the meaning of the observation, it is false in fact, and a libel in its application.

Mr. Speaker, the effects of our proceedings to-day, whatever those proceedings may be, will not cease with our adjournment, or be lost among the vagrant incidents of the times. Sould we surrender this treaty, by refusing to insist upon its execution, we shall have cast a doubt upon the efficiency of the republican forms of government, which must excite a reasonable despair of their stability.

If, sir, there be any one fault which, more than all others, pervades the general course of our reasoning on political subjects, it is that of limiting our view exclusively to the immediate and palpable effects of our acts upon the current and transitory affairs of the country, without looking to those remoter consequences which silently and imperceptibly follow, from causes apparently insufficient to produce them. We are apt to form our judgments upon the most handy and convenient reasons; and, instead of considering the nation and the Government as beings which are to subsist through an indefinite series of ages, we unconsciously reason in reference to them, as though they were things of but temporary duration, destined to pass away with the generation of which we ourselves are a part. The position we are about to assume should be taken in reference, not only to this particular treaty, and to the single Government of France, but in reference also to the peculiarity of our internal condition, and to the delicacy of our relations, as a Republic, to the regal system of government abroad.

Sir, Europe and America are the two great quarters of the globe which most powerfully act and react upon each other. Though widely separated by intervening seas, there formerly existed between them certain political connexions and affinities, which time and events have finally severed or dissolved. They now present two great and rival classes of Governments, whose principles are absolutely antagonist to each other. Europe still maintains the ancient regal form, with all its diversities and extremes of power and oppression—of splendor and misery. The settlement of the American continent commenced at an era when the broad vista which the light of truth and science had made through the surrounding darkness of superstition and error, opened a new course to the current of human affairs. The communities of European settlers found themselves without the restraining presence of arbitrary power, and in some measure freed from that habitual obedience which they had so long yielded to the tyranny of hereditary dogmas and venerated customs. The very expanse, wildness, and novelty, of the virgin world in which they moved, gave an impulse to the sentiment of freedom. This sentiment was strengthened with the increasing strength and number of the colonies, until it became the ruling passion of the soul, and at length displayed its maturity in the achievement of the American Revolution. Our Government is the grand result. The ample basis upon which it rests is a single fundamental principle—the exact inversion of a pure monarchy—the elements of power not being concentrated in a throne, and acting from thence upon the body of the nation, but abiding in the mass of the community, as the primitive source, and acting from thence, through a changing agency, upon the individuals of whom that mass is composed. This great elementary principle, which runs throughout our institutions and effectually secures the simplicity of freedom, by complicating the checks to oppression, has extended itself to the southern portion of the continent, and made the republican form of government the system of America. Sir, it has done more—it has multiplied the enemies of despotism in the very presence of despots, and divided the population of Europe into two great parties. The United States occupy the centre of this system, and stands at the head of the liberal party. Her strength, her firmness, intelligence, and resources, the promptitude of her measures, and the force of her example, can alone sustain the one or give hope to the other. The attention of mankind is turned upon her as the last refuge of human nature from the spell of hopeless bondage. Our system is antagonist to the regal system of Europe. Their respective principles are in open collision. No affinities, no sympathy, can ever exist between freedom and a throne. The American form of government is still in its youth. It is at that perilous point in its progress from infancy to maturity, when the slightest incident will leave its impression, and when every impression will contribute to form its future character, and brighten or cloud its prospects of success. The incredulity of despotism, even now, views it as a problematical experiment, and looks upon us with a threatening eye. Each act of ours, in reference to a foreign kingdom, at this critical juncture in our political progression, must influence, more or less, for better or for worse, the future destiny of the Republic and of the system which its example supports. For us now to falter, to cringe, to cower, and submit, rather than assert our rights at the hazard of a monarch's displeasure, is to hoist the first signal of our ruin. The rights and independence of one nation are not to be maintained and secured by the favor, the friendship, or forbearance, of others; but by the force of opinion, until that force is spent, and then by the force of arms.

If, sir, after the cooing spirit which has been manifested towards France in this debate, we should reject this resolution, or adopt some one of this litter of neutralizing amendments, we shall be considered as having betrayed our own distrust of the capacity of our Government to sustain itself in a contest with a foreign monarchy. Our conduct will be received as proof conclusive that the spirit of the country is too docile; that the passions of the people are too obsequious to the allurements of avarice and ease; that the moral power of public opinion is too vague, indefinite, and diffusive, to be imbodied and brought to bear in the defence of national rights. It will be believed that we have discovered a secret weakness—a latent imperfection—a tardy sloth in the active principles of our system, which render it incompetent to the prompt and vigorous operations of national defence. It is the standing argument against the republican form of government, that it wants the energy and unity of action necessary in the rapidly changing incidents of war. Sir, what is the fact? Have not these opinions already gone abroad, and are they not at this very hour deeply affecting the interests and character of our country? Yes, sir, they are the potent agents that have placed us in the dire dilemma, from which we are at this very moment struggling to extricate the nation. The leading speaker in the Chamber of Deputies, who opposed the passage of the indemnity bill, in the debate which terminated in its rejection, rested the burden of his argument against the bill and the execution of the treaty upon the submissive temper of our Government, in bearing unredressed the wrongs committed and the insults offered by England, prior to the late war. He also urged as an argument, a charge which the vote of this House to-day must confirm or disprove, that the people of the United States would sacrifice their national honor to their individual cupidity. I will read from the debate some of the remarks of Mr. Bignon. He says:

"Nevertheless, the hostilities committed by the English ships of war against the American nation, the impressment of their seamen under pretence of their being English deserters, the attacks upon several public vessels, particularly upon the frigate Chesapeake on the very waters of the United States, had excited in the minds of all indignation which appeared at one moment ready to break forth. These were certainly most legitimate causes of war. President Jefferson demanded of the English Government signal satisfaction; but the American people did not long sustain their Chief Magistrate. Resentment was soon calmed; the spirit of speculation rarely sacrifices an actual gain to the future prosperity, much less to the dignity, of a country. The voice of private interest prevails over that of national honor."

Again he says:

"The English ministry, on the other hand, whether from pride or disdain on its own part, or want of address on that of its agents, overwhelmed the federal Government with insults and ill treatment." * *

These sir, are the arguments thundered from the tribune of the Chamber of Deputies, to prove that a French monarchy might, with impunity, continue to insult an American Republic, by withholding indemnification for the destruction of property, and by the violation of national faith solemnly plighted for its payment. It is deeply humiliating that such arguments should have been used, but it is intolerable that they should have prevailed.

Mr. Speaker, in politics, opinion is power. The world, to a nation, is as a neighborhood to an individual; it determines her character by the rule of her conduct; its opinions regulate her influence in the community of nations, as do the opinions of men prescribe their respective positions in society. The character of a country in the estimation of the world is the only security to its external commerce, and the only power that can enforce respect in all its foreign relations. If we mean to enjoy the freedom of the seas, one of two things must be done: we must either take a firm stand on this occasion, or send a convoy with each ship freighted with our property, and battle our way through the deep. Let this House now quail and succumb, and what prince or pirate will respect our flag or spare our commerce? What monarch will regard treaty obligations when we are a party? What Power will recognise us as entitled to the benefits of the law of nations, if we ourselves refuse to enforce the provisions of that law? Every Government, to be secure in its independence, must not only possess energy sufficient to protect itself from wrongs, but spirit to exert that energy when those wrongs are committed. Shall the Government of the United States, the centre and support of the great continental system of America, thus, by its example of spiritless submission to the outrages of royalty, bring the efficiency of the whole system into doubt? Shall we thus, by the proclamation of our weakness, invite the assaults of the common enemy of this system?

Sir, I have before said that the two systems of Europe and America are irreconcileably antagonist to each other. Each one is sustained as an entirety, by the co-operation of its respective parts. Admidst the shock and collision of their conflicting principles, crowns have been compelled to make a common cause for their common defence. And, sir, gentlemen are unnecessarily alarmed at the possible consequences of displeasing the King of the French, by the determined stand we propose to take. The very form of our Government is a perpetual offence to the whole corps of highnesses and majesties, in Europe and the world. It does not exist by their favor or at their mercy, but by the force of its own principles exerted upon a free and gallant people.

But, sir, am I mistaken in the view I have attempted to present, of the political relations which this hemisphere and Europe bear to each other? Or am I without the authority of an example in our own history, in speaking of the policy of the United States in reference to these relations? No, sir, I am not. It was when we were eleven years younger and feebler than we are, that Mr. Monroe, as the Executive of the nation, thought he had reason to believe that the allied sovereigns of Europe, who had denominated their league the "Holy Alliance," were preparing to extend their system of passive obedience to absolute power to our Mexican neighbor, and to the independent States of South America. His feelings and opinions were not suppressed. His patriotism did not consult the taste of these conspirators against the rights of mankind, to learn in what language he should address an American Congress on a subject affecting American liberty. In his message of the 2d of December, 1823, he did not hesitate to say, that with the movements of this hemisphere we were necessarily connected—that the political system of the allied Powers was essentially different from that of America—that we owed it to candor to declare that we should consider any attempts on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety—and that we could not view any interposition for the purpose of oppressing the free Governments of South America, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States. Such were the views then taken by the Executive, of the subsisting relations between the two adversary systems of Europe and America; and such the feeling he displayed in anticipation of an effort to change those relations. Had the contemplated scheme of the allied sovereigns been carried into effect, the consequences to the United States could have been but indirect and remote. And yet, in just apprehension of even such consequences, the President of the Republic gallantly threw the gauntlet of defiance into the very camp of confederated Kings. And, sir, what tremulous voice was then heard muttering, in doleful strains, the indiscretion of the Executive? None; no, sir, none. From one extremity of the Union to the other, the irrepressible feelings of a free people broke forth, responsive to the awless spirit of their patriotic chief. So universal was the popular judgment in support of the message, that the friends of an honorable gentleman now in this House, but then at the head of the Department of State, attributed to him all the glory of the deed, and urged that among his numerous claims to the gratitude of his country, in the canvass then pending for the succession to the presidential chair. But now, sir, it seems that times, or men, or principles, are changed; radically, sadly changed. The present Executive, moved alone by that vigorous judgment and lofty patriotism which even the subsiding wrath of his prostrate rivals now begins to concede, briefly recites, in his annual message, the wrongs and enormities committed by a foreign Power upon the people and Government of the United States, and suggests to Congress such measures as may comport with the dignity and independence of the nation; and for this he is rebuked, upon this floor, with imprudence. And why rebuked? Not because any man doubts a fact he has stated; not because it is not necessary for this House to adopt some measure; not because each one here does not feel himself, as a representative of the nation, sinking beneath the long-borne burden of French aggressions; not because all are not anxious to throw off this burden, and stand once more redressed of wrong, and erect in the fearless confidence of freedom; but because the statement of the facts, the adoption of a measure, or an effort to retrieve the national character, might give offence to this same foreign Power. Well, sir, be it so; let this House stand mute to-day, and I ask what Power is that which keeps it silent? what Power is to prescribe hereafter the terms of our external intercourse? what Power rules this body, and, through its fears, the nation? It is the terror of France. Shall this terror thus master our souls, and shall we surrender the independence of the nation, for want of firmness to maintain it? What, sir, have we to gain by silence? Nothing. What have we to lose? Every thing: the character of the country; the security to commerce; and all that distinguishes an independent nation from a mere dependent province. Quail but once to the arrogance of a foreign monarch, and we commence a retrograde movement which must endanger the liberties of the continent. Let us not be betrayed by the courteous professions of foreign friendship; they are but the disguised offspring of ministerial policy. A republic, whose principles are openly threatening the very being of monarchy, can never expect to find friendship in a monarch. Nor, sir, should we suffer ourselves to be beguiled by our apparent security at present, or by the existing calm and composure of the world. We are not to suppose that the great fundamental laws of nature, which ever have, and for ever must, impress themselves upon the mass of human affairs, and shape the destiny of nations, have spent their force or been suspended in their action. The political condition of the world must continue to be variously affected by the clash of contending principles. It is not possible, in the nature of things, for either class of these opposing principles to hold an uncontested ascendency. The republican form of the American Governments will not be permitted to exist, to the jeopardy of the whole monarchical system, without encountering those assaults which the friends of that system will naturally direct against its natural enemy. We should, therefore, allow no advantage by hesitation, in the first instance; nor quicken the courage of an adversary by the exhibition of reluctance to encounter danger in the defence of national rights. "In peace, prepare for war," was the salutary maxim of a powerful mind, devoted to liberty and inclined to peace, after taking an enlarged view of our peculiar relations to the rest of the world.

Mr. Speaker, the success of our institutions is the great political problem of modern times. The effects of the proceedings of this body, as the popular representative of the nation, are more extensively felt than those of any other assemblage of men within the circuit of the earth. They are so, because each act of this House, must, in some measure, influence the destiny of the Republic; and because the friends of liberal principles, throughout the world, have a share in that destiny. Patriotism alone is the passion that can perpetuate this Government; and that passion should be cultivated among ourselves, and inculcated upon those with whom our presence here implies a degree of social influence. It was in reference, sir, to these considerations that I deeply regretted to hear the course of remark that has characterized this discussion. The rights, the interests, the feelings, and character of our own country seem to have been forgotten, in the ardent solicitude to woo the favor and guard from violence the punctilious sensibility of France. We are admonished, in a tone little short of reprehension, to be cautious of what we are about, as though France stood before us "void of offence," and we were in the act of offering to her and her sovereign the first indignity.

Sir, it may not be amiss to pass an eye rapidly along the outline of the circumstances in which our wrongs originated, and the conduct of the French Government throughout this whole transaction.

Towards the close of the last century, France yielded to the strong impulse of freedom. She passed from under the monotonous despotism of Bourbon imbecility into the throes and contortions of a popular revolution, whose immitigable rage not only overthrew her ancient constitution, but unsettled for a while the deep foundations of social order itself. This revolution brought forth a man, who impatiently hurried to take his stand, first in the ranks of her legions, and then upon the ruins of her throne—a man who, if he did not allay the storm that raged within, directed its fury from France to Europe. His all-embracing ambition, stimulated by the martial ardor and seconded by the energies of a mighty people, projected the stupendous scheme of reducing a continent, perhaps a world, to the iron empire of arms. As the execution of such a scheme necessarily involved an utter overthrow of all those European Governments, whose common consent alone prescribed or established the code of the law of nations, the first step placed its projector beyond the obligations of that code. Will the means accomplish the end? was the first and last question, the laconic logic, of Napoleon. His fervid genius threw its baleful blaze over land and sea; and if a treaty of peace with a belligerent neighbor served but to increase the certainty of her future destruction, the neutrality of a national flag was more apt to provoke the ruin than afford security to the commerce which it covered. The United States reposed afar off in peace, and stood aloof from the strife. The powerful allurements of profit redoubled the vigorous industry and quickened the enterprising spirit of our countrymen, who naturally sought to enrich themselves, by supplying the necessities of a warring world. As a neutral Power, our rights of navigation were commensurate with the illimitable seas. We enjoyed these rights, and all the rewards of a prosperous commerce; and it was in the midst of this scene of our commercial prosperity, and his career of universal conquest, that Napoleon dictated those decrees in obedience to which our ships and their cargoes, to the amount of millions, were burnt, or sunk, or confiscated, by the cruisers and Government of France. These outrages were committed without even the allegation of a fault upon our part; committed under the orders of a conqueror, promulgated from his camp. He, himself, was compelled to acknowledge the lawless barbarism of such a system of indiscriminate plunder and destruction. His pride or his policy sought to avert the curse of mankind, by condescending or affecting to bewail the necessity which had extorted from him an edict that broke the force of all human obligations, and impressed the stamp of authority upon all the atrocities of systematic piracy. In the imperial message which communicated these decrees to the Senate of France, the Emperor says: "It is with great pain that we have thus made the interests of individuals dependent upon the quarrels of Kings, and have been obliged to return, after so many years of civilization, to the principles which characterized the barbarism of the earliest ages."

Sir, it is upon this point that the attention of the House should first be fixed—the character of the authority and circumstances under which these spoliations of our commerce were committed.

France continued to prosecute her system of conquest, and we commenced, not war, but negotiations for indemnity. The Emperor, in the plenitude of his power, admitted the justice of our demands, but, in the haste of victory, postponed their satisfaction. Thus stood our relations when the snows and fires of the

North arrested the march of his legions, and the flames of the Kremlin lighted up the last day of his power. The miscellaneous troops of all Europe stacked their arms in the capital of France. The political system of the continent became suddenly inverted. The weight of power, which had before rested from the centre upon the extremes, was now reversed; and France, in her turn, sunk beneath the intolerable weight. She had no reason to expect justice, much less generosity, from her enemies. All were anxious to join in the plunder, and to exhaust the resources of a Power which all dreaded, even after she had been disarmed, robbed, stripped, and chained. The American Republic alone had the honor, the magnanimity, the mercy, to forget, forgive, and forbear. We relied upon the recuperative energies and the justice of the French nation, and suspended our demands. France was destined to other convulsions and changes. The trembling Bourbon once more staggered up the steps of her throne, and fell as he touched it. Napoleon reascended, and again disappeared. The revolution of Three Days sent Charles into exile, and placed the sceptre in the hand of the present monarch. After she had recovered from the fatigue and exhaustion of the rapid transitions she had undergone within the years of eighteen hundred and fourteen and fifteen, our Government renewed its demand of indemnification. Negotiations were recommenced, and finally terminated in the ratification of this treaty, on the second of February, eighteen hundred and thirty-two.

And now, sir, I must remark that the conduct of the French Government towards the United States, subsequently to this period, has been, in my judgment, more inexcusably offensive to the honor and dignity of our country than were all the depredations before committed upon our commerce. In palliation of her conduct now, she can urge none of the necessities of war or intestine commotion, no insufficiency of resources, none of the reasons of state, that are not equally available in excusing all violations of national faith. The only apology that she can offer is, our own apparent indifference, or her determination to make the treaty the source of a rupture.

But let us see what that conduct has been, and what are the facts of mitigation. The treaty has been ratified three years and one month, this day. By the seventh article, the United States was bound to discriminate, for ten years, in favor of the importation and consumption of the wines of France, by the reduction of the duties upon them below the rates fixed by our then existing tariff. By the same article, France engaged to establish, on the long staple cottons of the United States, the same duties as on the short. Congress promptly met the first of these stipulations by the necessary legislation, and France has since enjoyed the benefit. She, upon her part, executed the second by a royal order; and that, too, without a murmur from the Chamber of Deputies. The treaty has therefore already been executed in part, with the expressed or tacit approbation of all the constitutional organs of both Governments. And, sir, this circumstance, if properly considered, will be found not a little to aggravate the injustice of France, or to expose the fallacy of the reasoning by which the Chamber of Deputies seeks to justify its course in refusing to carry into effect the other provisions of the treaty. The payment of the indemnity of twenty-five millions of francs has not been made; and why has it not? Somebody, even in this House, has intimated that the treaty is not obligatory upon France until the Chamber shall have given its sanction by making the appropriation. That is a question with which we have nothing to do. It is a domestic question, of relations between the several departments of the same Government. It is a question, not of international law, but of constitutional power, to be decided upon the hazardous responsibility of one co-ordinate department of a Government arresting the action of another, within its appointed sphere. The French Chamber, as such, is responsible to the French nation alone. The French nation, only as such, is responsible to foreign Powers. Before it can become a question in an American Congress, whether a French treaty binds a French nation, so far as it regards other Governments, until it has been sanctioned by a French Chamber, it must be shown that there are relations and responsibilities existing between the separate departments of different Governments; an idea which effectually throws the two Governments into one, by reducing both from *entireties* to parts. A proper respect for reason itself forbids its exertion on such an absurdity.

I again ask, why has this indemnity not been paid? Is it because the Chamber has neglected to make the appropriation? No, sir, no. But it is because that body has solemnly refused the appropriation, by rejecting the bill. Yes, sir, after the treaty has been executed in part by both Governments; after France has enjoyed three years, out of the ten, of the benefits secured to her by the treaty; after this protracted parley between the Chamber and the throne, the Chamber, upon full debate and by a regular vote, sternly rejected the bill. What, then, are we waiting for France to do? Nothing. We are waiting for her to undo that which she has deliberately done. Shall we sit quietly here, and give her no reason to recede? Will she do so without a reason? It cannot be supposed. Our very silence is a reason why she should not, because we thus invite her not to do it. If we do not pass this resolution, declaring that we will insist upon an execution of the treaty, we must reject it; and to reject the resolution will amount to an open declaration that we do not insist upon the execution of the treaty. It will be a surrender of the treaty, and an absolution of France from its obligations. What, then, sir, will be the position of this House? It will stand upon the French side of this question, and afford Mr. Bignon another opportunity of reproaching the country with not having sustained the Executive in his efforts to preserve the rights and honor of the nation. With this additional reason for France to stand fast upon the ground she has taken, can we expect her to abandon it by paying an indemnity which she before refused, without the aid of this reason?

Sir, the name of Philip is ominous to republics, but it is not my purpose to pronounce a philippic on the Philippe of France. His ambiguous conduct towards the United States, in relation to this treaty, must, in spite of his professions, subject his sincerity to doubt. But even this conduct might have been extenuated, by the possible embarrassments of his situation, had he not, by the unceremonious recall of his minister, seemed determined to provoke a rupture, or sink our national character down to the last degree of degradation. He has affected to consider the President's message offensive to his dignity; and, unmindful of the patient endurance with which we have borne the injustice of France, or influenced perhaps by this very fact, he has abruptly terminated all diplomatic intercourse between the two nations. Is it true that this message, under the attendant circumstances, contained just cause of offence? Is it true that the dignity of the King has been insulted, and, through him, the honor of the French nation wounded? If so, if France has been insulted by the mere recital of her acts of injustice to us, or if the passage of this resolution may be considered an indignity to her, what, I ask, is our condition? Have we no reason to complain? Have we not also been deeply, grossly, repeatedly, insulted? No, sir, no, we have not. The term insult is too vague and feeble; our language has no word of odium sufficient to describe our condition, if the sensitive honor of the French Government has been wounded by the message, or will be by this resolution. What, sir; the neutrality of our flag contemptuously disregarded; our ships boarded, plundered, sunk, or confiscated, under a French edict of universal desolation; the laborious earnings of American freemen sacrificed to the ambition of a despot, and employed in the subjugation of mankind; twenty years of time spent in quibbling about facts and parleying about indemnity; a treaty, when half executed, then indignantly rejected; rejected upon the declared ground that we had not the spirit to enforce its execution; a French minister recalled, for no other reason than that the President presumed to detail these wrongs; and yet, sir, shall we stand writhing beneath this load of aggression, and palsied by the danger of violating the dignity of that Government which has imposed this load upon us? Yes, sir, we are invoked to do it. After this long and continuous succession of wrongs and insults, stretching through the quarter of a century, and whilst the breeze that bore the tidings of the last and greatest of these outrages is still ruffling the waters of the Potomac, we are admonished to stand still and hold our breath, least we provoke the royal displeasure of his Majesty the King of the French. Shall we obey this humiliating counsel? Shall we thus leave our commerce, our character, and our very being as a nation, exposed to the unresisted assaults of a hostile world? Who stands ready to prepare such an epitaph for the tomb of the Republic?

But what shall we do? To this question the answer is plain. Pass this resolution. It will stay the declining honor of the country until the next Congress shall have met, and may then form the basis of their action, in case the indemnity remains unpaid. In such an event, let that Congress take such measures as shall place France, so far as one Government can place another, in the position of an outlaw from the community of nations. Should she think proper to declare war against us, then, sir, we can war it with her. Yes, war it with her, if necessary, to the cost of the last dollar, and to the slaughter of the last man.

These, sir, are the only conditions, hard as they may seem, upon which a nation can enjoy its independence, or even its political existence.

Sir, the depredations committed by France upon our commerce are half as old as our Government. We, who are here, were elected by the people of the United States after the ratification of this treaty. Its provisions have been violated by the rejection of the indemnity bill, since the affairs of the country were committed to our care. Thus far we have done nothing. As an expiring Congress, we have but thirty-six hours in which to save the honor of the country. Does it become us, as the Representatives of a great and independent nation, to adjourn and leave things in their present condition? If we do so, what answer have we ready when the peo- shall ask, How stand our relations with France? Shall we say, it is true that, by our election, we were told to "take care that the Republic sustained no detriment;" it is true that the treaty has been violated, and the national honor insulted, since we were elected; but still we thought it better that a republic should submit to the insults of a kingdom, than that freemen should encounter the danger of a King's displeasure? If this be our answer, what response can we expect? There is but one. The outraged feeling of the country will break forth from the lips of every freeman. Each one will, and ought to, exclaim of us in the indignant language of Coriolanus:

"I would they were barbarians, (as they are,
Though in Rome litter'd) not Romans, (as they are not,
Though calv'd i' the porch o' the Capitol,)—"

When Mr. Allen sat down,

Mr. LOVE was understood to be opposed to the adoption of any resolutions; for before the result of the deliberations of that House could be known at Paris, the French Chamber of Deputies will have finally acted upon the subject. He saw no utility in passing either the resolutions or the amendment, because he believed there was but one sentiment prevailing the whole country upon this subject, and that sentiment was that they would abide by the treaty. However we might differ as to our opinions, and the manner in which our views should be carried out, he was well assured that the opinion was general that we should abide by the Chief Magistrate, in asserting what was due to the honor and dignity of the nation. The best time to express our opinions would be when the appropriation should be asked for, and he should then express himself in a much stronger manner than now. All proceedings now were incipient. He should be willing to vote for any sum that the organ of the Executive and that House should deem necessary to appropriate for the purpose of enforcing justice. The resolutions before the House were idle, and a mere consumption of time. He was for taking a ground that should at once show the world what we intended to do.

Mr. L. took that occasion also to say that he dissented totally from the opinion of the gentleman from Massachusetts, [Mr. Adams,] that the course of our minister to Paris had merited entire approbation, by remaining in that metropolis after he had been notified that his passports were ready for him. Mr. L. thought, on the contrary, that his conduct on that occasion was rather of the character which he regretted to designate as dastardly and cowardly, and such as the country ought not to submit to. He thought our minister should have acted very differently, and he was borne out in this opinion by the President himself, who informs him "that he should have felt no surprise, and certainly would have expressed no displeasure, had you yielded to the impulse of national pride, and at once have quitted France, with the whole legation, on the receipt of the Count de Rigny's note of the 13th January."

Mr. L. said he considered the notification sent to Mr. Livingston as a direct insult, and that that minister would have better considered the honor and dignity of the country by instant departure out of the country. A strange reason was assigned for his not having done so, that he ought not to leave Paris on account of the expense of breaking up the delegation! What an extraordinary reason for the minister of this great country! He himself invites a war message, and, when he receives it, he is governed by the construction put upon it by the newspapers! So when a gentleman is ordered out of a house, he is to reply, "I will not take the hint!" Was there an American in the world who would thus have acted? Mr. L. further condemned the conduct of Mr. Livingston, and said he was not for war, if it could be avoided, particularly with our ancient friend and ally. He had a veneration for her people, although he could not say much about her present King; but he remembered with gratitude and veneration that King who aided us in effecting our independence. He would never fight France for money, it would be mercenary, and such a cry as he hoped would never be heard urging on our seamen to victory.

Mr. MOORE, of Virginia, expressed a wish to say a very few words to the House on the subject before it. It had been contended here, as well as in the French Chamber of Deputies, that the treaty of the 4th of July, 1831, was not to be regarded as complete, until sanctioned by the French Chambers, inasmuch as the Chambers have an undoubted right to make or withhold the appropriations necessary to carry the treaty into effect. He admitted the right of the Chambers to grant or refuse the appropriations in its fullest extent; but denied that the treaty was, for that reason, to be regarded as incomplete, until the appropriations were made. The Chambers might refuse the appropriations; but they must do so on the responsibility of the nation. Carry out the principle, and see to what conclusions it must lead. If the treaty was not complete until the appropriations were made, would its validity be considered as determined by the passage of an act by the Chambers, appropriating a sufficient sum to pay the amount due to us, at the time when the several instalments should become due? Gentlemen would say, yes. But suppose, before the second instalment becomes due, a new election takes place; the Chambers convene, and repeal the law making the appropriations, (as they have clearly a right to do,) what then becomes of the treaty? Is the treaty, which was valid and binding on all parties, to be thus annulled and destroyed by one party, after it is partly executed? Suppose a treaty to stipulate that a certain sum shall be paid in ten annual instalments, and the legislative branch of the Government, which is to pay, passes a law appropriating the money, and, at the end of nine years, the law is repealed; is the treaty, which has been in full force for nine years, to cease to be binding the moment the law is repealed? Or suppose, what may possibly be regarded as an extreme case, that the people should refuse to pay the taxes necessary to enable the Government to meet its engagements with another Power, and should dismiss all their agents in the legislative and executive branch of their Government, and continue the Government itself, as they have a right to do, will they be thereby released from obligations binding on them as a nation? Surely not; and yet such is the legitimate conclusion to which this principle leads us.

The true view of the subject was, that we must regard the acts of both the executive and legislative branches of the French Government as the acts of the nation, and for which they are responsible to us as a nation. When the treaty was ratified by the executive branch of the French Government, it was ratified by, and binding on, the French nation; and they could no longer fail or refuse to comply with its engagements, without a breach of national faith. If the King had declared, in six weeks after the treaty was ratified, that he did not mean to abide by it, it would not have become us to regard it as an act of perfidy on the part of the King, but as a breach of the faith of the nation, for which they would have been, as a nation, responsible to us. If the Chambers refuse to make the appropriations necessary to pay the indemnity due to our citizens, it is a refusal of France to comply with her engagements, and for which France is responsible. If, after the appropriations have been made, and the money collected, the Executive of France shall fail to pay over the money, that will be a breach of the nation's faith, for which France must be responsible. He would grant that, if the constitution of France required the assent of the Chambers to treaties, that then the treaty of 1831 could not be considered as binding on the nation until that assent had been obtained. But no such consent was necessary to the ratification of a treaty. It is the duty of every nation to have honest and faithful agents, who will strictly comply with the obligations due from such nation to others. France was bound by the treaty of 1831 to have a Chamber of Deputies which would make the necessary appropriations to pay us what it was stipulated by the treaty should be paid to us. And the failure of the Chambers is the failure of France to comply with her solemn engagements.

It might be asked if the Chambers would not be justifiable, under any circumstances, in refusing to make appropriations to comply with treaty stipulations. He would answer, certainly. If the executive branch of the Government exceeded its constitutional power in making the treaty, they would, of course, refuse to permit its execution. If the treaty was flagrantly unjust and iniquitous, or founded on gross mistake, it would not be morally right in us to exact, or proper in the Chambers to permit, the execution of such a treaty. But such a refusal, on the part of the legislative branch of any Government, to comply with the solemn obligations of a treaty, could only be justified in extreme cases, and must always involve the nation in a high responsibility.

It had been asked, if the President and Senate were to ratify a treaty by which our whole system of tariff laws would be, in effect, repealed; if they were to enter into a treaty with one foreign Power, by which the products and goods of that Power were to be admitted free of duty into our ports, and those of all other countries were to be excluded, or subjected to high duties, would Congress be bound to execute such a treaty, or suffer it to be executed? He would answer, certainly not. A still stronger case might be supposed. For, if the President and Senate were to ratify a treaty, and the House of Representatives were to approve of it; if it was discovered that the executive officers and the members of Congress had been induced to agree to its provisions by bribery, or if the provisions of the treaty were ruinous to the nation, the people ought not to permit it to be carried into execution. But if the treaty was such a one as there would be no moral impropriety in the Government with which it was contracted, in demanding the execution of, the people of this country would be bound to permit it to be carried into execution, or to make a proper reparation to the other party failing to do so.

The pretence set up by the members of the Chamber of Deputies, that twenty-five millions of francs was more than was due, even if true, was no just ground for not making the appropriations to satisfy our claim after it had been settled by the treaty. All the argument for refusing to make the appropriation, founded on the expectation that we might be induced to take less than was due, rather than go to war, was as disgraceful to France as it was insulting to us.

It had been said that we ought not to go to war for money, especially for the sum of five millions of dollars. For his part, he would as soon go to war for money as for any thing else, and for five millions as for five hundred millions, if the honor of the nation required it. If France acknowledges the debt, and then refuses to pay it, it must be because she despises our resentment, and means to treat us with contempt. We should go to war, then, if we had to go to war at all, not for money, but to resent an insult to the nation; an insult which he hoped the American people would not submit to, even if it cost two hundred millions to resent it.

He was not, however, desirous of going to war with France or any other nation. He hoped we should not be under the necessity of going to war. We ought not to rush precipitately into a war at any time. We ought to give to France full time to comply with the conditions of the treaty. He would even go so far as to say we ought not to go to war for the money due to us, until France had indicated a determination to refuse to pay the money, or a part of it. He would regard a refusal to pay the whole as bad as a refusal to pay any part of it. He would consider either as good cause for war. He would even consent to refer any question of national law, which might arise concerning the execution of the treaty, to the arbitration of a neutral Power, if it could be done without compromiting the honor of the nation, rather than go to war.

As to our ancient friendship with France, about which much had been said, he was in hopes it would not be interrupted. He wished to preserve it as long as it could be preserved on honorable terms, but no longer.

The great naval and military power of France, of which we had so glowing a description, had not alarmed him. If the character of the nation could only be preserved by going to war with France, her power would not deter him from from engaging in it. As Americans, and as men who meant to maintain our rights and honor as a nation, we should only regard the great number of ships owned by France as presenting more chances for attacking her. If her ships will be fought with more skill than in times past, so much the better; there will be more glory gained in capturing them. If she sends her immense armies here, so much the better, it will save us the trouble of going to France to fight them. Even if France could equip a great fleet like that which was called the invincible armada, and hovered on the coast of England in the reign of Elizabeth, and if our naval officers, who were said to be unwilling to encounter the French ships, should refuse to take the command, he should not despair of finding another Blake on the land to destroy it. If they should drive us from the ocean, we can meet and fight them on the sea shore. If beaten there, we can fight them again at the head of tide water. If beaten there, we can make a final stand at the mountains, and there we shall beat them. For those mountains have not been, and cannot be, passed by a foreign enemy.

If, said Mr. M., we are too weak to encounter the power of France in defence of the nation's honor, let us give up the idea of governing ourselves; let us dissolve the Government, and go back and hang on a while longer to the apron-strings of old mother England, and ask her to protect us against the insults of France.

Mr. M. said that he repeated that he did not wish for a war, and hoped we should not be compelled to resort to violent measures to maintain our rights. If, however, the House thought proper to express any opinion as to our present relations with France, it ought to be that this Government will insist upon a full and prompt execution of the treaty of 1831. He would read a resolution expressive of his views upon that subject to the House.

Mr. M. then read the following resolution:

"*Resolved*, That it is due to the national honor that this Government shall insist upon a full and prompt execution of the treaty of the 4th of July, 1831."

Mr. M. said he was opposed to declaring that no further negotiations should be carried on with France, and should vote against any such resolution. He was for demanding every cent which was due us, but would not consent to break off all intercourse between the two nations until driven to it by dire necessity. He hoped, moreover, that neither the Executive of this country nor of France would put a stop to that intercourse, or do any other act, the probable consequence of which would be to involve the two countries in war. They should recollect that they were bound not to forget that the power of declaring war was, in this country at least, in the immediate representatives of the people. And they should, therefore, be extremely cautious how they did any act which might amount to an assumption of power confided to other hands. Something had been said about sustaining the President in his course towards France. For himself, he would sustain him in that or in any thing else, so far as he thought he went right, but no further. What he had said he hoped he would not be considered as having said with a view to sustain the President's course, but simply for the purpose of indicating his own opinion as to the course which this Government ought to pursue under existing circumstances. He meant to express neither approbation nor disapprobation of any thing the President had done. It was not necessary or proper that he should do so.

Mr. M. said he was opposed to passing any resolution declaratory of our intention to prepare for war, because it might be regarded as a threat, and as nothing else but a threat. He was willing, however, to act. He would much rather do something and say nothing, than say a great deal and do nothing. He would cheerfully vote for an appropriation of three or four millions to repair our fortifications and increase our navy. France might regard that as a significant hint of what we meant to do if she did not comply with her engagements, but could not object to it as a threat.

Mr. **EVANS** addressed the House at some length in reply to the gentleman from Ohio, [Mr. Allen,] and upon the general question. He was opposed to any hostile measures, and was in favor of the resolution proposed by the gentleman from Virginia, [Mr. Archer.] He considered this resolution as the most pacific and proper to be adopted on the occasion. He entered into a history of the treaty with France. He hoped that the House would avoid any declarations predicated upon a contingency which might never happen. He contended that the present difficulty was attributable principally to the menaces held by the President in his last annual message. This message, he conceived, presented the chief obstacle to an amicable adjustment of this question. He contended that there was no consideration which called for any action on the part of Congress until the decision of the French Chambers should be ascertained.

Mr. **SUTHERLAND** said he agreed with the gentleman from Ohio, [Mr. Lytle,] that the French Government had no right to take umbrage at the message of the President. She was the aggressor; and the President had done no more than his duty in presenting the subject to Congress in the light in which he viewed it. Mr. S. said he highly respected the honorable gentleman from Massachusetts [Mr. Everett] who addressed the House this morning. He was about to retire from legislative duties, and would leave with the esteem of all parties, and not least for the mild, moral, and liberal views which he entertained upon the question under consideration; yet he regretted the feeling in which that gentleman had reflected on the course of the President. He was the head of our Government, discharging its functions in the spirit of duty, and as such commanded our respect and support.

France had entered into an engagement with us, and had failed to fulfil her sacred pledges. It became the duty of the President to present the facts to us, with his own views of them. He had done so with candor, dignity, and firmness. It had been urged that the President acted under the undue influence of our minister to France, (Mr. Livingston.) Such an influence had never existed. The Chief Magistrate was bound to lay all the facts before the country. It was required that the treaty on our part should be sanctioned by our Senate. This was done: and when France was advised of that fact, why did she not confirm it on her part? Mr. S. said emphatically that France must pay this stipulated indemnity; and when he said she must, he indicated the relative position in which the two nations stood. It was a contract which must be fulfilled, and few in this country would be found recreant in support of that position. He deemed it totally unnecessary to say "at all hazards;" he cared not for the words; when he said she must, he said all. The present period was distinguished for its pacific policy. By this expression of our opinion, we summon France before the civilized world, and public opinion would stamp its veto on the whole course of her flagrant injustice towards us. She had taken, with avidity, all the advantages secured to her by the treaty, in the introduction of her wines and silks; but when you come to the indemnity, that is the pecuniary part of the treaty, and cannot be carried into effect by her Deputies! The French derive about half a million of dollars in her commerce, ($200,000 on her wines, and about $300,000 on her silks,) on the strength of the treaty, and then refuse to fulfil their part of the contract. How could France look us or the world in the face, with gross injustice branded upon her fame? We had been told that we had nothing to do with national honor! It was the first time he had ever heard that strange doctrine promulgated. He would tell the gentleman from Georgia, [Mr. Gilmer,] that there was in this country a strong and unconquerable spirit of national pride; not, indeed, the spirit that created strife between crowned heads, but that elevated policy which would induce us properly and promptly to meet every emergency in which the honor of a country or of an individual could be involved. The people of this country would insist on the fulfilment of the treaty to the uttermost letter. It was right that they should do so; for if it were infracted with impunity, every puny Government in Christendom would turn up its nose with scorn and contempt at our system of passive obedience and non-resistance. He did not believe there was a man in this country who would go to war for the paltry sum of five millions in contest. No; it was the honor and dignity of our national character that prompted the patriotic feeling which pervaded the community. Much had been said of the blood that was to be shed in this contest. He did not believe that any blood was to be shed; but, if it was, it would be better to meet the crisis like men than to crouch like slaves.

Mr. CLAYTON said it appeared to him, and he made the remark with great diffidence, that the House had not as yet taken a correct view of this important question. All bodies do, and ought to, act (said Mr. C.) under evidence, and then they make the facts responsible, instead of themselves, for the results of their action. The present case furnishes the most ample means to place us under the guidance of this wholesome rule. What is the state of the case? The President, at the commencement of the session, puts us in possession of all the facts relating to the rejection of the treaty, on the part of the Chambers, entered into by the French King with the United States, and recommends, in the event of another refusal, a resort, for redress, to reprisals on the commerce of France. This subject was referred to the Committee on Foreign Relations, and they have thought proper not to report until within three days of the close of the session, in which the House has indulged them, believing, no doubt, that nothing should be done at this time. But on the day before the present report was made, we received a message from the President, communicating the correspondence of our minister at France, containing all the information subsequent to the reception of the message in France, which was sent to the same committee to which his annual message was referred. Now, the resolutions on your table are not pretended to be the views of the committee, founded upon the recommendation in that message, but are wholly the result of the information in Mr. Livingston's correspondence. If that be the case, we should so mould our proceedings as not to travel out of the record. We have but one of two courses, either to follow the definite facts submitted to our consideration in this certain official correspondence, or launch out into the ocean of conjecture, directed by no other compass than newspaper reports, letter-writers' conjectures, and coffee-house politics. I cannot but hope that this last is out of the question, and whatever we may do shall go forth to the world as the grave counsels of an American Congress, founded upon the most unquestionable testimony. Before, however, I proceed to analyze it, permit me to offer some few reflections, by way of allaying the war fever which has been evidently gotten up during the debate. A stranger who should have come suddenly upon us while the discussion was going on, could have drawn no other conclusion than that we were debating a declaration of war, and, from the denunciations of members, and the threats contained in the report, that nothing was more certain than a war with France. Sir, there is nothing in the facts before us that would justify such expectation, or any thing in the remotest degree leading to it; and all our blustering, bravadoing, threatening, and fighting indications are entirely gratuitous, and, indeed, I incline to think that, the stronger our prospects are for peace, the higher the war fever rages: and this is in perfect keeping with all experience on this subject. I lay down this position, and appeal to the knowledge of every member on this floor to support or falsify it, for it belongs to an observation which I know every man has made on this subject, that whenever you see a man blustering, vaunting, and swearing what he will do with his adversary if his friends will only let him get to him, depend upon it there is no fight in that man; one person could hold him if he thought there was danger of coming together, and he would very willingly lend his antagonist two or three of his own friends to keep them apart. This bluffing kind of courage, Mr. Speaker, holds good, too, as to communities. All history informs us that the war party in peace, is, generally, the peace party in war: and it is very easily accounted for—legislative bodies do not fight the battles they produce. It is a very easy thing for a man to make a great show of bravery upon other people's courage. We are not to meet the danger. This is put upon other persons. Not one in one hundred of us will go out to meet the foe—and even then it will be found very convenient to send a substitute. Sir, war is a very serious thing. Tom Paine, whose name should never be mentioned but with veneration for his political services, in a letter to General Howe, says "that he who is the author of a war lets loose the whole contagion of hell, and opens a vein that bleeds a nation to death." He adds, "death is not the monarch of the dead, but of the dying; at every conquest he loses a subject, and, like the foolish King you serve, will, in the end, war himself out of all dominion." Now, sir, if we go to war with France, we stake, on the contest, all the high character we gained in the last war, and the "glory" of some who contributed to its exalted fame. We should take care that we do not "foolishly war ourselves out of this reputation."

Permit me now, sir, to show you our present relations with France, and that they do not authorize any action whatever on this subject. On the contrary, we are called on, by every principle of interest, every feeling of magnanimity, and every obligation of self-respect, to abstain from saying or doing any thing. The first thing in Mr. Livingston's correspondence worthy of notice, is the following from Count de Rigny to him: "How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions, in order to meet the engagements of the treaty." And since this, we are satisfactorily informed, the law has been proposed and referred to a large committee. What more do you want? Will you act before you know the result of this measure? And if you will, how will you act? By irritations? Can you believe this is prudent? Can you be serious in wishing our difficulty with France honorably settled? Does it comport with honor to extort by fear what is due to faith? And is it believed that the French nation can be alarmed into what the honor of such a people would refuse? Here is one great mistake--one, too, that is the less excusable, because, if true, it supposes the use of an instrument that does us no credit; for I insist upon it threats are used only by those who do not intend to use any thing else. What is the next thing to be observed in the correspondence? Mr. Livingston says to Mr. Forsyth, "Should Congress propose commercial restrictions, or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals, and then the law will be proposed, and I think carried." What more do you want than this? Here is your own minister's testimony. He is on the spot—bound to give us, and no doubt does, the best views of the subject in his power. He adds--which I conceive to be very useful information, since we seem to place so much reliance in the virtue of threats—that the "excitement is at present very great; that their pride is deeply wounded at what they call an attempt to coerce them by threats to the payment of a sum, which they persist in declaring not to be due." If, as he believes, they have so far elevated themselves above this mortification as to be able to do us justice, why should we repeat what may and ought to create a relapse? Mr. Livingston either means something or nothing by this information. If nothing, we should do nothing—letting the matter rest where it was before, upon the annual message. If something, then we should profit by the clear indication it contains. I am aware that the views of Mr. L. are liable to the charge of inconsistency. For instance, after stating that, if Congress will remain quiet, the law will pass—after he himself declared to the French minister that the course of his Government, in closing the door of negotiation, "necessarily cuts off all the usual means of restoring harmony to two nations who have the same interest, commercial and political, to unite them, and none but factitious subjects of collision," he turns round and says to the President, if there should be hostilities, certain presses in America "may flatter themselves with having the credit of a great share in producing them." How? For saying, in substance, precisely what Mr. Livingston has said, that Congress should do nothing upon the President's recommendation, and that there is no cause of war with France. Nevertheless, we have no other testimony upon which to act. You must take all or none. Withdraw this correspondence, and the report of the committee loses its foundation.

There is a further reason why we should take care how we meddle with threats. I think the correspondence furnishes a humiliating lesson of what little good those already made have done; and, besides, how difficult it was for our minister to make a suitable apology for what the President had said. Notwithstanding he had recommended a little bravado, which he denominated "firmness," yet he found, to his great surprise, it did not take, and had to assure the French minister it was not intended for France. He likened it to a certain "family matter" in France—there they kept their secrets, but here we had to publish our debates. That it was cause of "great surprise that a communination, made by one branch of our Government to another," should give any umbrage to France, though it threatened reprisals. And, further, the minister might be sure it was not designed to insult France, as he had not been instructed to communicate it to the French Government, and reminded him he had only found it out by chance, from a gazette which he had delievered to the minister, not officially, but at his own request. Now, whoever looks at these apologies, had better take care how they employ threats; they may not always have such good reasons at hand, and the French may not again be in so good a disposition to be convinced.

But, sir, our minister went further; he tried to persuade the French Government that, if certain things had been known in America which had taken place in France, before the President sent his message to Congress, it would have been different; and that now those facts being known to Congress, they would "change the measures recommended." Let us hear his own words: "It is, perhaps, necessary to add that an allusion was made by me to the change of ministry in November, and the reinstatement of present ministers, which I told him I had considered as a most favorable occurrence, and that I had so expressed myself in my communications to you; but that this circumstance was unknown at Washington when the message was delivered; and I added that the hopes of success held out in the communication to which I referred, and the assurances it contained that the ministers would zealously urge the adoption of the law, might probably have imparted the same hopes to the President, and have induced some change in the measures recommended. But that the formation of the Dupin ministry, if known, must have had a very bad effect on the President, as many of that ministry were known to be hostile to the treaty."

Is it our wish to make our minister not only to appear insincere, but ridiculous? That must be the effect when this published correspondence returns back to Europe with the fact that it is wholly disregarded by us, and that not a suggestion of his furnished any objection to our action on this subject.

The President has himself said that, if he had known as much as he did a few weeks after his message was delivered, he would have changed his measures; and shall we not, with the same information, and really nothing to alter the state of the case, be induced to forbear the adoption of measures calculated only to irritate and jeopard the final pacific settlement of the difficulty? Here we perceive the French Government has been told that the threats already made would not have occurred if certain facts had been known; and now, with those facts known to us, and the further fact that these representations have so soothed the ministry that the law of indemnity has been proposed, we are not only about to belie the suggestions of Mr. Livingston, but to add new threats to those already despised and submissively recanted.

But, sir, we are ourselves accused of a want of good faith, and that fact ought to have great weight in regulating our passion towards France; and though it may be lost upon our dignity, it should very much increase our moderation. The French minister says to ours, "In the explanation which I am now about to make, I cannot enter upon the consideration of any facts other than those occurring subsequently to the vote by which the last Chamber of Deputies refused the appropriation necessary for the payment stipulated in the treaty. However this vote may have been regarded by the Government of the United States, it is evident that, by accepting the promise of the King's Government to bring on a second deliberation before the new Legislature, it had, in fact, postponed all discussion, and all recrimination on the subject of this first refusal, until another decision should have either repealed or confirmed it. This postponement, therefore, sets aside for the time all difficulties arising either justly or unjustly from the rejection of the treaty, or from the delay by which it had been preceded."

To this charge of implied infidelity, the President answers that the case was to have been referred to the session of the Chambers next after the promise made. The King replies, it was in his speech to the session, on the 31st July succeeding, but that this session was nothing but a formal one, convoked in obedience to a "legal prescription," requiring them to be called together for installation, within a stated period after a dissolution of the old Chamber of Deputies; that this ceremony takes up nearly a fortnight; and that at such meetings nothing is done; and that this fact is known to every body, and consequently to our minister. That it was not sooner presented to the succeeding Chamber, the minister says to Mr. Livingston, "You yourself requested us not to endanger the success of this important affair by mingling its discussion with debates of a different nature, as their mere coincidence (meaning, no doubt, the Russian claims) might have the effect of bringing other influences into play than those by which it should naturally be governed." In addition to this, he further says, "All this appears from the explanations now given, and, I must add, that the greater part of them have been presented by M. Serurier to the Government of the United States, which, by its silence, seemed to acknowledge their full value."

Now, sir, this is a fair history of our relations with France, subsequent to the receipt of the President's message by that Government, as narrated by our own minister; and upon these facts we are called on to pass a set of gasconading resolutions; and for what? What earthly purpose can it answer, but to inflame our adversary, and perhaps prevent an adjustment of our differences? If we do not think the present condition of the dispute warrants a resort to one of the two remedies indicated by the President, to wit, commercial restrictions or reprisals, wherefore the necessity of doing any thing at all? Sir, there is none; and I should move to lay the whole matter on the table, but that I do not wish to stop the debate, especially after having been indulged in that privilege myself.

The gentleman from Pennsylvania [Mr. Sutherland] quoted that part of the correspondence stating that the message "has certainly raised us in the estimation of other Powers," to show that France will not take the responsibility of going to war with us. If this be a correct inference, we ought to be satisfied with it: and while he uses it for this purpose, I had marked the same clause for another. If our standing is advanced by what has been done, will it not be prudent to stop for the present? All I understand that is expected from the resolutions on your table, is to keep us rectified, in point of honor and spirit, with the civilized world. This being done so far in the quarrel, ought we not to wait till France does something making it necessary to take another step? Mr. Speaker, true courage never vaunts; it lays out no more work to do than can be well done, when the exigency arrives which demands its exercise. It will have enough to do to come out triumphantly from any of its trials, without having to turn aside to redeem all its promissory blusterings. True courage pledges nothing, threatens nothing, asks nothing, but what is just, and grants every thing that is generous. It meets the crisis to which it is called coolly and deliberately, and considers the victory half achieved in the self-collection with which the onslaught is commenced.

Mr. GILMER would ask what was intended by the introduction of the resolutions? What was promised or expected to result from them? These questions came home to every one, to the interest of the whole country. Besides, what power had that House to do so? That House had only legislative authority, and to pass these resolutions, he contended, would be transcending their constitutional limits of power. Mr. G. referred to the consequences and effects of war upon the interests of the country and the stability of its institutions. He contended that nothing had as yet been done by the French Government to justify such a course on our part. So far as the treaty-making power of that country was concerned, every thing had been done that could be done. Of whom did we complain? Of the popular branch of the French Government. We should bear in mind that that branch was new to France; and every one must perceive, who had read the debates of the French Chamber, that there was a prevailing ignorance on the subject of these claims. They were apprehensive that the monarchy had gone too far, and there was a jealousy which existed between them. But should we, the most popular Government on earth, be the first and foremost to prevent the exercise of the popular branch of a nation just emerging from the shackles of despotism? He was convinced that if we went to war on account of this treaty, as the subject stood at present, public opinion would be against it. He had no doubt whatever that the force of public opinion alone in Europe would compel France to pay this indemnity. War, it should be borne in mind, would put an end to it. Go to war, and the indemnity would be at an end. He said that neither national honor nor national character was concerned in this dispute.

Mr. LYTLE followed, with great energy, and at considerable length, in support of the resolutions reported by Mr. Cambreleng, and in reply to Mr. Gilmer and Mr. Archer.

Mr. CAMBRELENG said he rose not to prolong the debate, but to make an attempt to put an end to the only war which he believed would ever grow out of this question. We had on most great questions, particularly on one which divided the House and the country, adjusted it by compromise. He now rose to propose a compromise which he hoped would unite both sides of the House. It was due to the gentleman from Massachusetts [Mr. Adams] to explain to him that he could not accept his first resolution as he had promised to do, because, on examining its provisions, he found it referred rather to the rights of the claimants than of the nation. He thought the House would not adopt a resolution of that character. He, however, proposed to offer the resolution he had presented yesterday, without the words "at all hazards;" for he was compelled to concur in the opinion expressed by the gentleman himself, [Mr. Everett,] that they were unparliamentary.

[Mr. E. Everett explained. He considered them not unparliamentary in a report, but in the form of a resolution.]

Mr. C. continued. That gentleman must pardon me, sir, if I cannot perceive the propriety of the distinction between the report and a resolution which he makes. Both are alike reported for adoption or rejection by the House. The language was, he thought, not only unparliamentary, but the gentleman must pardon him for saying that it was undignified and even gasconading. He therefore most willingly relinquished them, as incompatible with the dignity of the House. He should offer the resolution without these words as soon as the present motion was decided, and he hoped in that form it would meet the approbation of the House.

Mr. ROBERTSON said he had seldom trespassed upon the indulgence of the House. He had been generally content, as became him, to receive instruction from others, whose talents and long experience in that hall qualified them to impart it. I do not rise now, said Mr. R., with any design of detaining the House by attempting to present a full view of the subject which excites, not here only, but throughout the country, so profound an interest. The Committee on Foreign Affairs, though repeatedly urged to make a report, has been pleased to defer it, until an apparent disposition prevails, perhaps an urgent necessity exists, to stifle debate, or, at least, to suppress a free and full discussion. Yet the occasion is one, when to remain silent may be ascribed to a disposition to shrink from due responsibility. I am desirous, therefore, said Mr. R., of briefly explaining the views by which my own course will be regulated. This, however, is not my sole motive for addressing the House.

I had indulged a hope—the recent debate has, I confess, well nigh extinguished it—that some means might be yet suggested of attaining that unanimity so earnestly recommended by all, and so becoming on occasions when the rights and interests of our country are involved in controversies with foreign Powers. On the most important points that unanimity indeed already exists. All concur in the justice of our demands upon France. All agree that, in the present state of our relations, it is inexpedient to authorize reprisals, or adopt any measures of commercial restriction. It would seem there could be little left for serious disagreement; still less for angry debate. A number of resolutions, it is true, have been proposed: a variety of views presented. But in reviewing these, which I propose briefly to do, we shall find there is no such decided contrariety of opinion as to preclude harmonious action. Such a result can only be marred by invoking the spirit of party. On the present occasion, I trust, we shall soar above its malignant influence, and look only to the common good of our common country.

There should be little difficulty in disposing of the resolutions originally reported by the Committee on Foreign Affairs. In regard to the first, the chairman [Mr. Cambreleng] has indicated a willingness to accept of any modification upon which the House may unite; and has even sought for a substitute in the report of the minority. To the second there will not probably be a dissenting voice; and the last, it is understood, is abandoned. Then, as to those proposed by the venerable member from Massachusetts, [Mr. Adams.] They declare, in substance:

That our rights under the treaty ought not to be abandoned.

That the President be requested, during the recess of Congress, to resume negotiations with France, if he deem it compatible with the honor and interest of the United States; and

That no legislative measures of a hostile character are at this time expedient.

In the first there is nothing, perhaps, seriously objectionable. The mover himself will scarcely insist upon the second; and if he should, will probably stand alone; for it is obviously impolitic, not to say inconsistent, while asserting that our claims under the treaty will not be abandoned, to suggest, in the same breath, or rather to invite, a continued or renewed negotiation. As to the third resolution, it varies in no essential particular from the second reported by the committee; or that unanimously adopted by the other House; or that now under consideration, submitted by my colleague, [Mr. Archer.] Why it is the latter has been so vehemently opposed, said Mr. R., I am a loss to conjecture. It cannot be for the course it indicates as proper; for in the propriety of that all seemingly concur. The chief objection seems to be, the reason it assigns for that course. Yet in assigning as a reason for our forbearance, an expectation that France will do us justice, my colleague stands fully justified by the language of the committee itself in its report to which I shall presently advert.

Nothing more clearly proves how very slight are the shades of difference existing among us, than the views and resolutions of another of my colleagues [Mr. Patton] who last addressed the House. He does not, it seems, exactly approve the first resolution reported by the committee; nor the substitute which the chairman appears now willing to extract from the report of the minority; nor the substitute proposed by the gentleman from Massachusetts, [Mr. Adams;] nor that offered by my colleague, [Mr. Archer,] who followed that gentleman. Yet he does not widely dissent from either. Indeed, he has himself intimated an intention of offering a resolution, so slightly varying from that of my other colleague, that the latter is entrirely content to accept it, in lieu of his own. Is it not manifest, then, notwithstanding the warmth of the debate, that there is no irreconcilable conflict of opinion upon any essential point? that there is a common ground upon which, following the example already set us, we may all unite, and present an undivided front?

The chairman of the committee, with a view, he tells us, to harmony, has extracted from the report of the minority a single sentence, which he proposes to mould into the form of a resolution, and to adopt as a substitute for the first resolution reported by the committee. The gentleman from Massachusetts, too, gives it the preference over his own. Torn from its context, and deprived of the explanations which accompanied it, it does not seem happily selected to effect the object professed.

The chairman himself has since emphatically condemned the coarse expression it contains, pledging us to insist, at all hazards, upon the execution of the treaty. The epithet he applied to it has escaped my memory. I remember well it was exceedingly appropriate. [A member said, "gasconading."] Yes, gasconading; that was the term. The gentleman appears now conscious of the impropriety of the gasconading threat contained in the sentence he had selected; and, though at first that seemed its chief recommendation, has frankly announced a willingness to withdraw it. The example he has set, in resorting to the report of the minority, which I am bound to presume is strictly parliamentary and proper, suggested to me the idea of looking to that of the majority. *Fas est ab hoste doceri.* Not that I regard the gentleman from New York, in any sense, as an enemy, or harbor any unfriendly feeling towards him. Far from it. That gentleman, on a former occasion, greeted one of my colleagues [General Gordon] and myself as allies in a common cause; as ever ready to maintain the doctrines of the democratic republican party. Sir, I have ever claimed to be a republican—a democratic republican. Certainly not of the new school; not of the same school with those who would assign to the Executive limits far more extensive than those which the federalists—yes, even what were called the anglo-monarchical federalists—had ever conceded, or were willing to concede. Not to that school whose disciples bend to the will, and would concentrate all power in the hands of one man. But, sir, the gentleman from New York, though he was pleased to commend our principles, did not favor us with his vote. His speech was for us, but his vote against us. I propose to meet him now on his own ground; and trust, on this occasion, we shall not only accord in our opinions, but also in our votes. In the report of the committee I find sentiments in which I should hope all may concur, and which I presume neither the chairman nor any other member of the committee will be disposed to disavow. I have imbodied them in the form of a resolution, which it is my intention to offer, in case the one proposed by my colleague [Mr. Archer] should not prevail. I ask leave now to read it to the House, with a preliminary one of my own, and, in addition, the second resolution of the committee, with a slight verbal amendment.

[Mr. R. here read the following resolutions:

Resolved, That this House regards the treaty of July, 1831, between the United States and France, as adjusting, in a spirit of mutual concession, the differences so long unhappily subsisting between the two countries.

Resolved, That there is satisfactory evidence that the French Government earnestly desires that the appropriation for indemnity should be made, in pursuance of the stipulations of the treaty, and reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States.

Resolved, therefore, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or reprisals, upon the commerce of France.]

Should any objections (said Mr. R.) be discerned to the first resolution, I am ready to withdraw it; my object being, if possible, to attain unanimity. The second is, of itself, sufficient for every purpose. It expresses the sentiments of the committee in its own language. These sentiments are alike honorable to France and to the committee, and I do not understand there is any desire to retract or disown them.

[Mr. Cambreleng said, Certainly not. But the gentleman from Virginia had taken only a part of the paragraph.]

Mr. Robertson. It is true; that part only has been taken which speaks of the just and friendly dispositions of the French Government. The remainder of the sentence merely expresses a fear that the conduct of France has placed us in an embarrassing position, and may produce a suspension of our diplomatic intercourse.* If the gentleman really desires that that fear shall be made the subject of a resolution, and the House concur, though I can by no means discern its propriety, still its insertion will in no manner impair the force of the sentiments imbodied in the resolution just read. With such opinions, it is difficult to understand why any disposition should prevail to make use of terms, or adopt resolutions, of an inflammatory or offensive character. I know, sir, this diposition is disclaimed. Almost all who have addressed the House, even those who have violently denounced the conduct of France, have thought it prudent to deny that any hostile movements are designed or can result from their course. My colleague, who sits before me, has ridiculed all apprehensions of collision with France as mere affectation. He charges those who have expressed them with attempting a dramatic display. Can my colleague seriously think there is no ground for such apprehensions? Does he regard the tone of the President's message, the recommendation of reprisals upon the commerce of France, as entirely pacific? Has he forgotten that this Committee on Foreign Affairs, of which he is himself a member, has presented resolutions declaring that we should insist upon the treaty; that it would be incompatible with our honor to negotiate further; that preparations ought to be made to meet any emergency growing out of our relations with France? Has he forgotten the substitute proposed by the chairman of that committee, and so readily clutched by the gentleman from Massachusetts, declaring that we would insist upon the execution of the treaty at all hazards? Does he remember the abusive epithets which members on this floor have showered upon the French people and the French King, or, as they call him in derision, the King of the French? Thank God he is not *our* King, and we may therefore abuse *him* with impunity. Sir, we are told that not to show a becoming spirit is dastardly. No one can misunderstand the import of this expression. It is meant to justify language and resolutions of a hostile tendency. It implies censure on the course by another branch of the Legislature, which has abstained unanimously from both. Sir, it condemns the Committee on Foreign Affairs, which from an early period of the session declared that, as we ought to do nothing, it was best to say nothing; and which, though repeatedly called upon, had declined making any report until on the very eve of our final dissolution. The course originally recommended by the committee, it would seem now, was dastardly. The resolution, offered by my colleague, [Mr. Archer,] conforming to it, and that adopted in the other House, are tame and spiritless. The friends of such a course are taunted, from the same quarter, with the appellation of the peace party. The warm blood of the South, it seems, is chilled. It is from the North, and the East, and the West, the fiery spirits now spring up, ready to rush at once into war to defend the honor of the country.

[Several members: "Not the North," "not the West," &c.]

Gentlemen disclaim this warlike propensity. I am glad to hear it. But what other interpretation can be placed upon such proceedings and such language? It is said there is no menace, no insult. Reprisals are no cause of war; to talk of insisting, at all hazards, upon the execution of the treaty, implies no hostile intentions. We may insist by commercial restrictions; we may resort to a non-intercourse. Sir, if the Chambers should reject the treaty, and, after adopting such resolutions, we should take the measures alluded to, we should bring ridicule upon ourselves. It will be said, after attempting to bully France by blustering, gasconading language, we had meanly shrunk, and contented ourselves with saying: that all we meant if she would not render us justice was, that we would have nothing more to do with her. No, sir. We mean a menace and insult, or we do not. If we do, let us come out openly, boldly; let us proclaim in the face of the world that France is faithless; that it is vain to negotiate; that we should appeal to force only to vindicate our rights. Let us not convey an insidious insult in language that may hereafter be explained away, and leave us in an attitude that will justly bring contempt upon us.

What good reason, Mr. Speaker, I would respectfully ask, can be assigned for resolutions of the character reported by the committee, or extracted from the report of the minority? What effect were they designed or expected to produce? No one will assert that they were intended as a guide to the next Congress. All must acknowledge that it would be presumptuous in us to instruct our successors what course they should pursue in any future contingency. Having all the facts before them, they will be far more competent than we can possibly be to determine what the interests and honor of the country demand. Are such resolutions, then, necessary to sustain the one or the other? Yes, we are told, it is a question of boldness. Our courage, it seems, is questioned. By whom? Not surely by France, whose gallant soldiers have fought and conquered by the side of our own. Sir, if our courage be doubted, let those who deem it the proper mode, offer a resolution declaring that the people of the United States are as brave a people as God ever made; and, deeply impressed with its truth, I would myself vote for it, did I not feel it would make us justly ridiculous in the eyes of the world.

Let us ascribe to individuals the conduct recommended to us as a nation. A man, considering himself aggrieved, demands reparation. He informs his antagonist that he insists upon having it, at all hazards; that it is incompatible with his honor to negotiate further, and that his friend is making the necessary preparations to meet any emergency which may grow out of their dispute. What man of honor or courage would demand redress in so gasconading a style? What man of honor or courage would deign to give it until the offensive language should be withdrawn? If there be any gentleman here who would do the one or the other, these resolutions are entitled to his approbation and support. Sir, there has been too much of this gasconade. It is unbecoming the dignity of this House. Whatever injury France may have done us, the language of her Government, even in the most irritating circumstances, has been ever decorous and respectful. The French are a brave and gallant, as well as a courteous nation. But I trust we will not leave it to be said that they surpass us either in courtesy or gallantry. It reflects no credit on us to attempt to bully or disparage France. Our courage has never been called in question. It is not necessary we should enter it of record, or trumpet it forth to the world. We shall be apt to bring suspicion on it, by adopting what the gentleman from New York properly calls a gasconading tone. To talk so much of our spirit, to boast of our courage, will be regarded as the strongest proof that that virtue is on the decline among us.

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* Extract from the report of the Committee on Foreign Affairs:

"While there is satisfactory evidence that the French Government earnestly desires that the appropriation for indemnity should be made in pursuance of the stipulations of the treaty, and while there is reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States, it is, on the other hand, to be feared that the conduct of that Government has placed us in a position at least embarrassing, even if it should not produce an entire suspension of diplomatic intercourse between the two nations."

No, sir, the resolutions of the committee are of no consequence, unless for the effect they may produce on France. The committee must be supposed to intend the probable consequences of their own measures. Can any one doubt what those consequences would be? Suppose the resolutions adopted; if they reach France before the final action of the Chambers, will they not instantly close the door to an amicable adjustment? Is that our object? Do we not know that the French people have had their sensibilities deeply wounded by the President's message? Mr. Livingston tells us that such is the fact. None but himself could ever have failed to anticipate it. Sir, it is evident our minister was much confounded at the excitement it occasioned. A firebrand had been thrown amidst combustible materials, and he was astonished at the explosion. Yes, he was amazed at the effects produced by the tone he himself had recommended. He complains that he is left without instructions in what manner to act. He endeavors in his distress to throw the blame on the opposition papers. No wonder he should be desirous of throwing it off his own shoulders. But who can credit the tale? Who can believe that the French people or Government would look to the Intelligencer or Courier to ascertain whether they had been insulted by the President's message? How happens it they should look to the opposition papers—the organs of the minority—and disregard the declarations of the President that no menace was intended? the commentaries of the Government paper? the representations of our accredited minister? Did not Mr. Livingston tell them the message was not addressed to them; that it was in the nature merely of a family conference?

No, sir, this is placing the opposition papers, indeed, upon too high ground. But is it not true? None, whatever may be their affected contempt for the French, can believe it. Yet, deeply wounded as they were, they have yet manifested a disposition, expressed a desire, to do us justice. They regard the message as the act of one branch only of the American Government. Would it not be unwise in us to take away the only ground upon which they stand excused in their own eyes for such a determination? Shall we servilely echo the language of the palace, and leave them no longer room to doubt that an insult was designed, and that the representatives of the people are disposed to reiterate it?

But suppose, before our proceedings reach France, the appropriation shall have been made. Then will we not have cause to regret having unnecessarily inflicted a wound on those who, on full deliberation, had recognised the justice of our claims, and evinced the strongest desire to preserve peaceful relations? Suppose the appropriation rejected: still no possible benefit can result from the resolutions in question. On the contrary, may there not be reason to apprehend that France, anticipating what all disclaim, and none, I hope, desire, hostile movements on our part, may lay an embargo on our vessels, or send out armed privateers to sweep them from the ocean?

Sir, I trust the disposition manifested by the chairman of the committee, to abandon the first and last resolutions originally reported, will prevail. It is with that hope I have ventured to propose the resolutions I have had the honor to read. Should that of my colleague, [Mr. Archer,] which has my cordial approbation, not prevail, I trust they will receive the concurrence of the House. It is wholly unimportant where the blame of the existing difficulties rests, or whether the glory of an amicable arrangement, should one be effected, belong to the administration or the opposition--the President or the Senate. It is said none of it is to be ours. It becomes us to be solicitous only to pursue measures, as far as may comport with our honor, to ensure the continuance of that friendly intercourse which ought to be the wish, as it is manifestly the interest, of both countries. Gentlemen may flatter themselves, in taking a different course, with the hope of catching the popular breeze. I know not how that may be. But I feel well assured, should we wantonly plunge into a war that may be honorably avoided, no long period will elapse before we shall receive—what we shall well merit—not the applauses, but the execrations of our country.

When Mr. Robertson had concluded,

Mr. BINNEY, after asking that the resolutions reported by the Committee on Foreign Relations, and those offered as amendments by the gentleman from Massachusetts, [Mr. Adams,] and by the gentleman from Virginia, [Mr. Archer,] might be read by the Clerk; and also that he might again have the benefit of hearing those suggested by the gentleman from Virginia last up, [Mr. Robertson,] proceeded to say that he desired to have all these propositions before him, for the purpose of finally ascertaining whether his mere vote would, by its relation to the respective propositions, sufficiently explain his opinions. I had hoped, said Mr. B., that this might be the case, as well in consequence of the pressure of other business of great importance, which a continuance of the debate may endanger, as from the difficulty of saying any thing on the present subject without more than usual liability to misapprehension; but as I am still unable to perceive that my vote in rejection or adoption of any of the resolutions will be a sufficient explanation of the motives for giving it, I feel constrained to ask the brief attention of the House, while I submit a few remarks in justification of myself to my constituents, rather than for the purpose of instruction to the gentlemen around me.

From the commencement of this debate, I have repeatedly found myself, as probably many others have, agreeing with gentlemen in the general strain of their remarks, and yet not agreeing with them in the resolution which they declared their determination to support; and I have, on the other hand, coincided with gentlemen in the terms of the resolution, for which, if any should be adopted, they declared their preference, while, at the same time, I have differed from them widely and essentially, upon some of the reasoning which appeared to lead them to their conclusion. This is one of the peculiarities which distinguish the present debate, and which impose it as a duty upon me to state my own reasons for my own conclusion.

I beg further to say that this agreement with gentlemen in their premises, and disagreement in their inferences, on the contrary, is not a consequence of the common error of illogical deduction, but springs from a different cause, and principally from a want of agreement in regard to the true question before the House, or from a failure to keep that question always in view. The question before the House is not what gentlemen think, or ought to think, in relation to the points of difference supposed to exist between the United States and France, but what this House ought to say; and not what it ought to say upon the happening of a future and contingent event, but what, in the very events accomplished, and now before us, it ought to say, and to say to France; for this is the necessary character of any thing now said, that it is said by the House of Representatives to the French Chambers and to the French nation. If these are regarded as features of the true question before us, then it is obvious that gentlemen may agree in opinions, and not in the expression of them; and that they may even agree that the expression of them may be fit to follow a future event, without agreeing that it ought to be made in anticipation of it.

The question, then, for determination by the House is what this House ought now to say to France, in regard to certain matters at present affecting the relations of the two countries; and this question the House will continue incompetent to decide, with any thing like the wisdom which the occasion requires, until it shall determine and settle another question; and that is, what object it purposes to attain by saying any thing in regard to the matter. The honorable gentleman from Georgia [Mr. Gilmer] has been the first to call the attention of the House to this fundamental inquiry. What object does the House purpose or hope to effect by saying any thing? If this object be not previously stated, the debate must necessarily be without point, and also without any standard of comparison in its progress. It will continue to be, as in no small degree it has been, a mere idle waste of time and breath in the expression of sentiments which no one in the House or the nation has, or ever will have, any doubt about.

To this inquiry I shall deem it my duty to recur at another time, after endeavoring precisely to fix the character of our present relations with France; for unless this is truly stated and adequately considered, my own remarks will be of as little pertinency as I have ventured to suppose has been the case with those of some other gentlemen.

What, then, is the state of the relations between France and the United States? What is it, according to the information imparted by the President in his different messages to Congress? For it must not be forgotten that but a partial communication of the despatches of the American minister has been made to the House; that parts have been withheld, from alleged considerations of public interest; that we consequently know but in part, and that this partial knowledge greatly augments the difficulty of saying any thing which shall have a very pointed or particular application to these relations. The House will, without hesitation, admit that it should proceed with the greater caution in speaking its opinions upon a subject which considerations of public interest have prevented the President from unreservedly laying open to Congress. From what has been disclosed, however, it is obvious to the whole country that, with a single exception, the relations between the United States and France are not only those of amity, but of the most perfect harmony. Apart from the non-execution of the treaty of 1831, there is not a cloud in the sky under which the two two nations repose. Every difficulty that has at any time disturbed the friendship which began in the original alliance of the two nations has been adjusted by negotiation. Their commercial intercourse is upon a footing of equal satisfaction to both. There is no subject of unfriendly competition between them. Ancient ties have been strengthened, and new ones created, by the approximation of the constitution of France to that principle of elective representation which is the foundation of our own. It is impossible to imagine two nations with fewer natural causes of misunderstanding, or whose reciprocal interests tend more necessarily and directly to peace.

What, then, is the case presented by the treaty of 1831? On the part of the United States, we prefer a claim to the payment of specific sums, at appointed periods, stipulated and fixed by the most sacred of international compacts; for such is the indisputable character of that treaty. There is no question of interpretation, no collateral matter whatever, to bring its effect or application into doubt; we repose upon the plain words of the treaty, and upon the faith of France. Such is the case on our side; and it is impossible to put a plainer or a stronger case. How is it on the side of France? The constitutional King of the French nation, and the nation itself, by him, its only representative before foreign nations, say precisely what we say. They acknowledge the validity, the effect, and the obligation of the treaty. They have never suggested a reason or a motive for its evasion or disallowance. It stands as the bond of France, acknowledged by that department of the French Government which is alone capable of declaring the consent of the French nation to the United States. The claim of the United States is therefore not only remarkable for its clearness and simplicity, but for the frank and unequivocal assent and acknowledgment of the party from whom performance is to come. By what casualty, or mischance, or mismanagement, such a claim, so acknowledged, is to become a source of collision, and the occasion of rupture between the two nations, it is not at present within my power to comprehend.

It happens, sir, that, by the constitution of France, as by our own, the right of raising and appropriating money for the execution of every engagement of the nation, and therefore of treaties, belongs not to the treaty-making power, but to another branch of the Government; and that to obtain from this department, not the recognition or sanction of the treaty—for it is perfect without either—but to obtain the means of satisfying its stipulations, the King resorted to the Chamber for the necessary acts of legislation. The King, in behalf of his own nation, and not in behalf of the United States, asked an appropriation by law to satisfy the treaty. In the Chamber of Deputies, the bill, or *projet de loi*, authorizing the Minister of Finance to take measures for carrying the treaty into effect, failed at the first presentation by a very few votes; and it is not difficult to perceive that it failed from want of information, from misinformation, or prejudice, and, more than all, from the opposition of political parties, not growing out of the treaty, nor having any direct reference to it or to the United States, but availing themselves of the occasion to annoy that branch of the Government to which they were opposed, by the rejection of a measure which it had specially approved and ratified. The appropriation failed, sir. The faith of the French nation was not kept as this nation had a right to expect; and there was ground, and just ground, of complaint. But considering the nature of our respective Governments—considering also that this failure occurred in the popular branch of the Legislature, for which our own institutions bespeak some toleration as well as sympathy—and taking mainly into consideration the fact that the first action of such a body is hardly ever definitive, no one could regard the act as seriously threatening our relations with France, if the King, the treaty-making power, the constitutional representative of the nation in this behalf, retained his fidelity to the compact, and his determination to repeat his appeal to the Chambers for the means of executing it. The President acted, sir, and acted wisely, under the influence of this sentiment. The King of France did retain his fidelity to the treaty. He did retain his determination to repeat his appeal to the Chambers. He did more; he evinced the profoundest personal interest in the execution of the treaty, by giving to the American minister an assurance of its fulfilment, not only as a King, but as a man whose individual sentiments were devoted to the object. The King promised that the treaty should be again presented to the Chambers as soon as they could be assembled; and I am warranted in saying, that, whatever shade was cast over our relations by the delay in first introducing the bill into the Chamber of Deputies, or by the refusal of a small majority to pass it, this promise was, in the opinion of the President, sufficient to dispel. The President did not deem the circumstance to be of sufficient moment to communicate it to Congress. Here again the two nations stood towards each other in the attitude of friendship—on both sides looking for, expecting, and desiring the same thing.

But, sir, the Chambers met upon the 31st July, 1834; and although the King, in his speech from the throne, on the day of their meeting, announced this bill as a subject to be presented to them, yet it was not actually presented during the remainder of that session, and, at the expiration of a fortnight, the Chambers were adjourned to the close of December. The justification of the King, if it exists—for I am not here to judge him, but to state with accuracy the present posture of our relations—the justification of this omission by the King stands on the fact or suggestion that the session of the Chambers in July, which was the first meeting after the new election of the Deputies, was, according to established and well-known usage, a session for ceremonial purposes only, and therefore not within the accepted meaning of the engagement; and it stands on the further suggestion, that the time which was part of the engagement was not to be taken rigorously, but with such reasonable latitude as belongs to every engagement of this nature, and which, to ensûre the very success that is in view, may require the exercise of some discretion as to the precise moment of presenting the stipulated measure for consideration. These are the alleged justifications of the King; but either they did not occur to the President, or he deemed them insufficient. The President was offended by the delay, and, in his message at the opening of the present Congress, he is understood to have impeached the fidelity of the King to his word, and to have uttered a menace against the whole nation, of taking redress by force, if Congress would consent, unless the Chambers should make provision for the treaty at their present session. The actual or supposed noncompliance of the King of France with his word of promise, in precise manner and form as he gave it, or authorized it to be given, is the first of the two clouds which have come over our relations with the nation of France, and it still remains suspended over them, notwithstanding it is now known to this House, and to the world, that, in substance at least, the King has been true to his word, and that the bill is before the Chamber of Deputies for their decision. The supposed imputation upon the King's honor, and the menace addressed to the fears of France, do not appear to have been received, nor was it expected by men of reflection that they would be received, without some corresponding sensibility. The King has recalled his minister, that he may no longer, as it is said, "be exposed to hear language so offensive to France." Passports have been offered to the minister of the United States, "that he may take the measures which may seem to him to be the natural consequences of the communication;" and thus the message of the President, under the interpretations given to it in Paris, has become the cause of another cloud over our relations, while the general interests and feelings of the two people, notwithstanding both these incidental difficulties, tend as directly and as naturally to the preservation of peace and harmonious intercourse as they have done at any former period. It is with relations such as these that the House is invited, in some way or other, to interfere. It is in reference to difficulties of this aspect that it is thought by some gentlemen that the interposition of the House will be profitable. On the contrary, sir, I have a very strong conviction that they are of that very kind which will not be benefited in any way by the action of this body, and that they will end of themselves, if we will suffer them to do so; for I believe the recall of the French minister is deemed a sufficient answer to so much of the message as was personal to the King; and I also believe that we have the benefit of an admission by the French minister of Finance, upon submitting the bill to the Chamber of Deputies, that the message of the President does not impair the obligation of France, and of that body, to make full provision for the treaty, and consequently that, up to this time, France is without pretext for escaping from its obligations.

And now, sir, what name is to be given to the only subjects of collision that exist between two great nations, and for which they are to go to war, if they go to war at all? With respect to the treaty itself, I repeat that it never has been, it never will be, of itself, a subject of collision between the two nations. Parties have made an occasional use of it; it is in the spirit of party so to do. But this must have an end; and, if not quickened into new life by ourselves, it will be found to have come to an end already. That a great nation like France, knowing the value and the force of public opinion, and its finally irresistible influence in compelling fidelity to engagements by nations as well as by individuals, will desire or will be able to resist its influence in compelling fidelity to this treaty, is what I do not believe. I will not impute to her the will—I do not believe that she has the power—to refuse a compliance with it. Of itself the treaty is not, and if left to itself it never will be, a subject of collision between the two countries. But we have other subjects of collision, incidental to the treaty, of which, with due care, if gentlemen are so disposed, something may be made; and it is worthy of inquiry, by what name they are to be called, if, in the course of events, any thing is to be made of them that shall interrupt the peace of the two countries. On the one side, sir, there has been a failure in a punctilio of time; on the other, there has been a failure in a punctilio of personal courtesy—of courtesy to the person of the King, and possibly to the nation—but still a punctilio. And thus this nation is to forego the unanswerable claim that she has to a substantial performance of the treaty, and both nations are to forget their ancient friendship, and the present and perpetual sameness of their great interests, commercial and political, to go to war upon punctilios of time and courtesy. Sir, the minister of the United States has given to the present difficulties between the two nations the very name they deserve, and he has said that there are none between the two countries which do not deserve the same name.

In his lettter of the 14th January to the Count de Rigny, Mr. Livingston adverts with regret to the recall of the French minister, as cutting off the usua lmeans of restoring harmony to two nations who have the same interests, commercial and political, to unite them, and "none but factitious subjects for collision." Yes, sir, our subjects of collision are factitious, and we have none of any other description. The present subjects of controversey and collision are stated by our own representative, and stated most truly, to be, one and all, artificial, adventitious, incidental, superinduced; and that there is not among them one that is natural or necessary, or that properly belongs to the general and true character of the relations between the countries. The pervading character of those relations is peace and reciprocal good will, and a spirit among the people disposed to continue both; but on the one side there is complaint of the want of punctilious compliance with the letter of a promise, and on the other there is offence at the terms of this very complaint, and the half demonstration of a purpose to postpone the performance of right, in consequence of a menace to extort it by force. If the House is disposed to add to these factitious subjects of collision, it can do it with all possible ease; if, on the contrary, it is disposed to let this troubled current run itself clear, the House has nothing to do but to let it alone. Sir, I call to the attention of the House the fact, not yet adverted to, that the Chamber of Deputies before whom the subject is now depending, is not the same individually by whom the bill of appropriation for the treaty was rejected. Since that rejection, new elections have taken place, and doubtless with a more pointed reference to this subject than the elections of the previous Chamber. The precise influence of this circumstance cannot be stated, but it is not to be disregarded; and the reference to it completes what I have to say in regard to the relations between France and the United States, which, if it is intended to affect them at all, by any thing now said by this House, cannot be considered with too much circumspection in all their bearings. And now, Mr. Speaker, as I am most decidedly against adding to the number of these factitious subjects of collision, thinking, as I do, that our case, under the treaty, by itself the clearest and most unanswerable case that any nation ever had against another, has been sufficiently complicated by what has already been done, and as I agree with those who are for saying and for doing the least, at the present time, I mean to protect myself from misinterpretation by one or two remarks.

I hold the treaty of 1831 to be a compact of unquestionable validity, constitutionally made and perfected on both sides, requiring nothing further from any branch of the French Government to complete its obligatory force, and more than usually sacred, from the nature of the wrongs it was intended to indemnify; and while I perceive no necessity at this time for a resolution by the House, that the rights secured to our citizens by the treaty ought in no event to be sacrificed, abandoned, or impaired; yet, I am ready to say, for myself, that I do not now conceive of any possible event, in which the least of these rights ought to be sacrificed, abandoned, or impaired, by any act or omission on the part of the United States. The treaty has, on the part of France, been made by the authority of that branch of the Government to which the constitution of the French nation has delegated the absolute and perfect right of making treaties. The whole nation have made it by the King, to whom is confided, without qualification or appeal, the power to declare war, and to make treaties of peace, alliance, and commerce, the generic names under which every species of contract with foreign nations was intended to be included, and which, beyond doubt, literally includes the treaty of 1831, a treaty of commerce, and of indemnity for interrupted and outraged commerce. The authority of the Chambers over the purse of the nation, and their consequent power to obstruct the execution of the treaty by refusing an appropriation for the stipulated payments, affects not in the remotest degree the obligation of the treaty upon the whole nation, and upon every branch of its Government. The Chambers hold the same power over appropriations for the payment of debts contracted by express authority of a law made by themselves as a constituent part of the Legislature. They have the undoubted power to refuse an appropriation in execution of a previous law; but the law is not the less a law, nor the treaty the less a treaty, nor either of them in any degree less obligatory upon the honor, faith, and conscience of the nation, by reason of the existence of such a power. The power of the French Chambers does not concern a foreign nation. They are not part of the treaty-making power. The constitution of France has not reposed that trust in them, but in another. Their authority is for internal administration. The United States have no relations to that body, send no minister to it, cannot negotiate with it, cannot recognise it as entitled to take any part, original or final, in their negotiations with France. In the King is centered the full and entire power of the nation in its external relations with foreign Powers. With him the power begins and ends; and the treaty which is concluded by his authority, whether it be a treaty of peace or of commerce, is a treaty of the nation, its supreme law, and binds every department of the Government as effectually as if it were expressly ratified by every officer and subject of France. How and where the nation are to obtain the money which is to satisfy the treaty is a question of internal law, in the decision of which neither can the voice of the United States be heard, nor her rights be prejudiced. The Chambers may refuse the appropriation; but if they shall refuse it, and if the nation shall sustain them in the refusal, the nation will violate that faith which it authorized the King to plight. There is no difference in this respect between the constitutions of the two countries. A treaty made by the President, with the advice and consent of the Senate, is the supreme law of the land. It binds the nation, and the faith of the nation. Congress have power to refuse an appropriation to pay an indemnity stipulated by treaty; but if Congress refuse it, and if the nation shall sustain them in the refusal, the nation is untrue to the constitution, and stands before the world convicted of violated faith. That the power may be fitly used in an extreme emergency is saying no more than that the violation of public faith may possibly be a smaller evil than the execution of a ruinous treaty. But, be it smaller or greater, the public faith is violated, unless a treaty constitutionally made is executed in all its parts, and by all parts of the nation. These, sir, are my sentiments in regard to the obligations of the treaty of 1831, and no vote I shall ever give will contradict them.

Again, sir, whether the refusal by the French nation to execute this treaty will or will not be a just cause of war, and an expedient reason for resorting to it, belongs not to this occasion to settle. What are sufficient causes of war let no man say, let no legislator say, until the question of war is directly and inevitably before him. Jurists may be permitted with comparative safety to pile tome upon tome of interminable disquisition upon the motives, reasons, and causes of just and unjust war. Metaphysicians may be suffered with impunity to spin the thread of their speculations until it is attenuated to a cobweb; but for a body like this, created for the government of a great nation, and for the adjustment and protection of its infinitely diversified interests, it is worse than folly to speculate upon the causes of war, until the great question shall be presented for immediate action; until they shall hold the united question of cause, motive, and present expediency, in the very palm of their hands. War is a tremendous evil. Come when it will, unless it shall come in the necessary defence of our national security, or of that honor under whose protection national security reposes, it will come too soon—too soon for our national prosperity—too soon for our individual happiness—too soon for the frugal, industrious, and virtuous habits of our citizens—too soon, perhaps, for our most precious institutions. The man who for any cause, save the sacred cause of public security, which makes all wars defensive—the man who for any cause but this, shall promote or compel this final and terrible resort, assumes responsibility second to none, nay, transcendently deeper and higher than any which man can assume before his fellow-men, or in the presence of God, his creator. But, sir, when I have said this, let me further say that, terrible as war is, if it shall not come until after national security is impaired, national honor in its legitimate sense blighted, and national rights yielded up and prostituted to every threat of force, and to every artifice of fraud, it will come too late. War is a great evil, but there is a greater evil than war. I therefore will not say, sir, that because this is a treaty for the payment of money, therefore the non-performance of it cannot be a just cause and expedient motive of war. I would not say so if it were a treaty which began as well as ended in a pecuniary debt; for the question might still arise, whether, after submitting to the dishonor of such a violation, there would be any thing left to us either worthy or capable of defence. But this treaty did not begin as well as end in pecuniary debt. It is a treaty of indemnity for wrongs, every one of which, by involving security and honor too, was a just cause of war, if there can be such a cause, and would have furnished the expedient motive too, if our strength had been equal to half the measure of our wrongs. If this treaty be invalidated, what will be our position? Treaty for indemnity, negotiation for treaty, motive for negotiation, will all have gone, and for ever; and what will remain but the wrongs which negotiation and treaty can never repair? Sir, I will not pursue this subject further; and God grant that the day in which it must be pursued further may never arrive.

Again, sir, as a means of averting this tremendous evil, I hold that the spirit of pacific negotiation should never leave us. Upon this subject I adopt every sentiment that was uttered by the gentleman from Massachusetts, [Mr. ADAMS,] even while I am compelled to reject the resolution he proposes. We should cling to negotiation, or to the temper of negotiation, as tenaciously as the shipwrecked mariner clings to his last plank. It is the last plank upon which nations in discord can alone hope to reach the shore and haven of peace. It should be retained in peace and in war too—when the storm threatens, when it first curls the surface of the ocean, and, above all, when it rages in its utmost fury. If this plank of escape is thrown away in defiance, even at the moment of deadliest conflict, what issue do the human passions prepare for this savage and ferocious struggle, but that one or both of the parties shall perish for ever beneath the boiling waves? Sir, I confess my astonishment that the chairman of the Committee on Foreign Relations should have reported to this House a resolution declaring it "incompatible with the rights and honor of the United States further to negotiate in relation to the treaty of 1831." What does he mean by negotiation? What does he mean by excluding it even in relation to the treaty? He has not duly considered the subject, nor weighed the import of his own language. Sir, the position of the treaty is such that it cannot even be insisted on without negotiation. Events have for ever made the literal execution of that treaty impossible; and if it is to be executed, negotiation can alone fix the equivalent for payment, which should have been made in 1833, 1834, and 1835—in one, two, and three years after the exchange of ratifications on the 2d February, 1832. Are the instalments now in arrear to be paid simply, or with interest; and what is to be the rate of interest? Is interest alone to be received, or damages for the detention? All these questions are questions for negotiation; and if the gentleman shall say that he did not mean this, then I answer that he did not mean what his resolution says. It would be an act of unprecedented weakness for this House to use such language in regard to a treaty so situated, or to any treaty or point of controversy whatever; and it would moreover transcend the proper functions of this House, which do not include the power of negotiating with foreign nations. It belongs to another department; and this is my reason for not agreeing to the resolution of the gentleman from Massachusetts, which, if the President shall deem it compatible with the honor and interests of the United States to resume the negotiations between the United States and France, that resolution requests him so to do. Sir, the request is out of place, and it is unnecessary. If the President shall deem it compatible with our honor and interest further to negotiate, he will do it without the request; and if he does not, the resolution requests nothing of him. I would leave the responsibility where the constitution has placed it; and while I mean to offer no praise to the President, (for the occasion does not call for it,) I will say that, possessed, as I do not doubt he is, of great sagacity, of the strongest sentiments of gratitude to this people, and, above all, of a desire that his whole public career shall abide the judgment of that posterity that is to pass upon it, I entertain no fear whatever that, if left to himself, he will fail either to accept or to invite negotiation, when the honor and interests of the country shall call for it. But upon him, I repeat it, be the responsibility, and the whole responsibility, of his office.

And now, sir, having cleared my own vote from all chance of misapprehension, let me recur to the inquiry, what object does this House mean to attain by saying any thing upon this subject? Is it to make France know that we are awake to the treaty, and mean to adhere to it? France knows it already—all the world knows it; it is a matter upon which neither France nor the United States, nor any part of Europe, will again sleep, until it is finally disposed of. Is it to sustain the President in what is understood to be an imputation upon the personal honor of the King, and a menace against the nation? I call upon the House to pause—to pause and turn their eyes inward upon the emotions that would be there excited by a menace from France to extort by force what was due from us in honor or in faith. And ought France to be less sensitive than we are? Ought she to be censured for not being less sensitive? Sir, it is with nations as it is with men, that even honor and justice may be compelled to withhold what is due from both, by language which takes away all the grace and at least half the virtue of doing what is right. And this is our position, that whatever we now say will follow a supposed menace, and unless diluted to insignificancy may, and perhaps must, be understood to repeat it. I would abstain from any language that could be so interpreted. I would give to France the fullest opportunity now possible of executing this treaty, by abstaining from every expression as well as from every act which may disable a brave and high-spirited people from complying with its own principles of honor and good faith, because they are not left to the operation of these principles alone. If France shall ultimately refuse what these principles require, it does not now become us to resolve or to say what is the direction which such a state of things may compel or induce this nation to take.

But is it, sir, for another purpose that the House is to adopt some of the strong resolutions which have been proposed? Is it to repel insinuations or charges made on the floor of the Chamber of Deputies in disparagement of the character of our country, imputing to us a disgraceful devotion to gain, and a more disgraceful insensibility to national honor? And is this House, sir, is this branch of the Congress of the United States, to point its grave and deliberate resolutions against some vapid spouter from the tribune, some partisan debater, who seeks to draw himself out of his obscurity by assailing whatever is respectable or elevated among men? Sir, there are in all legislative bodies men who waste the hours that should be given to the weighty concerns of the nation in idle and unmeaning babble; and are we to increase the mischief by condescending to notice it? Whatever might be my general unfitness for the exalted duties of legislation, I would at least endeavor upon this occasion to enlarge myself to such a measure of practical wisdom as to regard only that which is worthy of regard. It is a time when the interests of the nation hang upon the complexion of our words, and may be committed to irreparable loss by the slightest inconsideration.

Let me further inquire, sir, if this House shall, for these or any other motives, convey a menace, express or constructive, in any of their resolutions, will they not necessarily strengthen the hands of that party in the Chamber of Deputies opposed to the constitutional monarchy of France, and therefore opposed to the treaty which the head of that monarchy has made and ratified? Will they not impair the force of that portion of the Chamber friendly to the constitution, friendly to the representative principle, and friendly to us—impair it by the influence of those emotions which irresistibly compel men of spirit, whatever may be their convictions of justice or policy, to forego them all when they come in conflict with self-respect or with national pride? Will they not throw the weight of these sentiments in the scale that is adverse to the present Government of France, in those parts of it which approximate to our own, and thus place us in opposition to the general cause of constitutional government?

Sir, in every point of view in which I have placed this subject, I have been unable to discover any advantage from, at this time, saying any thing, while I think I can clearly see that if almost any thing is said, it may weaken the force of what may hereafter necessarily occur to be done. It is, I humbly conceive, the duty of this House, as it has been deemed the duty of another branch of the Legislature, at the present time, and in the present posture of affairs, to reserve itself fully on every part of the case, and to leave the question unembarrassed to those who succeed us. I agree in the main with the sentiments contained in the resolutions offered by the gentleman from Massachusetts; but I perceive no advantage in the adoption of them, and in the present form I cannot vote for them. I cannot agree either to the sentiments or the expression of the principal resolution from the Committee on Foreign Relations; and if any advantage whatever is to be derived from it, though with eager attention I have followed every part of this debate, to gather from what quarter advantage might be shown in connexion with that resolution, I remain as at first in a state of total obscurity. If any thing is said, I am for the least that can be said; and, in the present state of the several resolutions, decidedly prefer that which has been offered by the gentleman from Virginia, [Mr. Archer.]

When Mr. Binney had finished,

Mr. SCHLEY said he did not rise to make what might be dignified with the title of a "speech." He was restrained from doing so by two considerations: first, because he labored under a physical disability to do so, in consequence of ill health during the greater part of the session; and, secondly, because, in his opinion, the subject under consideration did not require or admit of much speaking.

The course, said Mr. S., which gentlemen have taken in this debate, forcibly reminded him of a reverend friend of his in Georgia, who is fond of speaking, and who, though he took a text, always sedulously avoided touching it in his discourse, and directed his attention to matters and things in general. Sir, said Mr. S., what is the question before the House? Is it a question of war? Is there any thing in the resolution offered which looks to such a state of things? I humbly apprehend not. Why, then, do gentlemen portray in such vivid colors the horrors and calamities of war? Is it to drive us from the support of this resolution? To drive us from any action in regard to our present relations with France? If this be their object, they will find themselves in error.

Sir, I will not undertake to attribute the motive of such a course. Perhaps gentlemen would not be willing to admit as just the opinion I have formed; but certainly no adequate motive can be found in the nature and tendency of the resolution itself; and no gentleman who has advocated it on this floor has intimated a desire for war, nor any thing which could lead to such an idea.

I was somewhat astonished to hear my honorable colleague, [Mr. Gilmer,] and the honorable gentleman from Virginia, [Mr. Archer,] assert the doctrine that there was no violation of the treaty on the part of France by the refusal of the Chamber of Deputies to make the appropriation necessary to carry it into effect on their part. On what ground is this opinion held? On this, that the French Chambers is a separate and independent branch of that Government, in the same manner that this House is under our constitution. Admit this fact, and what follows? Why, these honorable gentlemen say that the treaty is not complete and binding on the nation until all the departments of the Government have ratified it, and provided for its final consummation; and therefore we have no cause of complaint against France. Is this true, in regard either to the French Government or our own? I presume not. What would be the consequence of such a doctrine? The executive branch of the Government, to which is intrusted the treaty-making power, would enter into a solemn treaty with a foreign nation, but the Chamber of Deputies in France, or this House here, as the case may be, would refuse to make the appropriation necessary to carry it into effect, and consequently the treaty would prove in fact to be no treaty. The parties would stand precisely where they stood before the negotiations were commenced, and in this way a nation might for ever avoid the payment of money due for any cause to another nation. Sir, this cannot be true. The proposition involves in itself a manifest contradiction. If the executive branch of the Government has the power to make a treaty, it follows, as a necessary consequence, that such treaty must be binding and obligatory on the nation; and therefore if another branch of the same Government, holding by the constitution the purse strings, shall refuse to pay the money stipulated by the treaty to be paid, such refusal is a violation of the faith of the nation, and a breach of the treaty. I admit the right of the Chambers and of this House to refuse the appropriation necessary to carry the treaty into effect; but they do it at their peril, and the nation injured or insulted by the refusal will have the perfect right to demand and take satisfaction.

But his principal object in rising to address the House was to present to them a view of the subject which had not been taken by any gentleman that had spoken. He would therefore proceed at once to what, in his opinion, was the main and the only question which ought to be considered, and he would detain the House but a few minutes. His honorable colleague [Mr. Gilmer] and the honorable gentleman from Virginia who last addressed the House [Mr. Robertson] had both emphatically asked the question, "What is the object of this resolution, if it be not to excite angry feelings, and lead to a state of hostilities?" Sir, (said Mr. S.,) I will tell the honorable gentleman what the object is. Every member on this floor, who has read the debate in the French Chamber, at the time when the law to appropriate money to carry the treaty into full effect was rejected, knows that the ground upon which the rejection was placed was that the promised indemnity was too great, and that some twelve or thirteen millions of francs is all that the French people ought in justice to pay. A pamphlet containing these debates, and this reasoning, was furnished by the Exexutive to every member at the opening of the present Congress. We have been in session three months, with a full knowledge of all these facts, and now, if we adjourn without opening our mouths on the subject, or declaring our view of the matter, will not the conclusion from such conduct be irresistible, that we know we have obtained by the treaty more than we are entitled to? Will not the French Chamber and people have a right to say that we know that the ground taken by them is true in point of fact, and that, therefore, we have not denied it? Is not this the fair and legitimate conclusion from these premises? And are gentlemen prepared to do an act which shall lead to such consequences? Will they be silent, by refusing to pass this resolution, and by such silence convey to the French nation and the world the idea that we claim more than in justice and equity we are entitled to?

Sir, if there be any gentleman on this floor who really believes that the treaty gives us more than we are entitled to, let him say so, and let him vote against this resolution. But no man in this House, or in this nation, holds this opinion. On the contrary, every member who has addressed the Chair on either side of this question has declared his firm conviction that the indemnity offered by the treaty is much too small; that, instead of twenty-five millions of francs, it ought to be some sixty or seventy millions. Those gentlemen who oppose this resolution have declared, in the minority report, and in their speeches, that our claim under the treaty must not be abandoned. Why, then, are they unwilling to say so, by adopting the resolution on your table? No reason has been assigned, except that the resolution contains a menace or a threat. Not so, sir; there is nothing of that character in the resolution; nothing that could insult an individual or a magnanimous people. No such thing is intended, and the French people cannot so understand it.

We desire not war. We have done nothing to lead to such a result. This resolution has no such bearing, and if the French Government shall choose to make war on us in consequence of its passage, let them do so, and take the odium and the consequences. The civilized world will not sanction, but decidedly condemn, such a course.

This is the first opportunity which this House has had to express its opinion upon the conduct of the French Chambers in rejecting the appropriation, and upon the justice of our claims. There is, in fact, no difference of opinion here in regard to either. Let us then say to the French nation, that we know our cause to be just; that the indemnity provided by the treaty, instead of being too large, is, in fact, too small, and that we will insist upon its execution.

Mr. MANN, of New York, demanded the yeas and nays on the amendment offered by Mr. Archer; which were ordered.

Mr. GORHAM was in favor of the amendment offered by the gentleman from Virginia, [Mr. Archer.] He thought it a very proper resolution for the occasion; but he rose simply to enter his decided protest against the views contained in the speech which the gentleman had delivered in favor of his amendment. He was utterly opposed to the speech; but would vote for the resolution.

Mr. MASON, of Virginia, desired to state a single reason why he should vote against the amendment of his colleague, [Mr. Archer.] That gentleman had contended that the treaty with France was not a binding compact. If the amendment of his colleague should be concurred in, and should go out to the country coupled with the foregoing declaration, it might have a tendency to induce a belief that this House had adopted the resolution in consequence of the reasons expressed by his colleague. For one, he was of opinion that the treaty with France was a solemn and binding compact, which could not be disregarded or set aside by the French Chambers. He repeated, in conclusion, that, for the reason which he had assigned, he could not vote for the amendment.

Mr. WATMOUGH said he certainly did not propose to occupy much of the time of the House at this period. He was too deeply impressed with the vast importance of every moment of time. He knew well that the passage of the bills now on the table, waiting the action of the House, and compromited by delay, was of infinitely more importance, even in reference to the very question now under discussion, than any consequence that could possibly result from the "cormorant war" of words in which the House had been so long indulging.

What benefit, continued Mr. W., is to be derived from the high-sounding war speeches which some honorable gentlemen have permitted themselves to utter? In my opinion, none, sir. I do not think that the high standing we have hitherto held in the eyes of foreign nations can at all be enhanced by a continuance of this course. Upon this matter of our French relations, sir, my own mind is distinctly made up. I can perceive no cause for war. I differ totally from those who advocate that measure, always so fatal in its results. I consider the grounds they assume as untenable and unsound. If their object be to produce effect abroad, it is worse than idle; if to excite the passions of our countrymen at home, it is the part of every good man, of every firm patriot, to oppose himself to the effort.

Mr. Speaker, I am fully aware of the critical position we at this moment occupy. I am as little inclined as any man to do that which will compromit the honor and dignity of my country. I feel, sir, that we are tottering upon the verge of one of the most dreadful calamities that can afflict a free nation—a calamity that, to us, in our present position of unrivalled and progressive prosperity, would be melancholy in the extreme. War, at all times dreadful, would come upon us now like the blast from the desert, drying up and withering all before it. It is to be avoided. It is a solemn and sacred obligation upon us to endeavor to avoid it, so long as we can avoid it with honor. It is incumbent upon us to do nothing that may even remotely induce it. Personally, sir, it has no terrors for me—it is the only profession I have ever been taught; but, loving my country with unbounded affection, and aware of the evil growth it produces in the hearts of all men, of the tares it scatters and would cast over the whole land, I feel I should be wanting in my duty if I did not, under existing circumstances, oppose myself to that course which tends to produce it.

I think, therefore, sir, no good can result from a further prolongation of this debate. All has been said on both sides of the House that is likely to produce good; much on one side that may produce evil. To my mind, the argument of my distinguished and esteemed colleague near me, [Mr. Binney,] and of the honorable gentleman from Georgia who spoke first, [Mr. Gilmer,] contains all that ought to be said, at this time, on this subject. The deep attention with which the House received what fell so warm and intellectual from the lips of my distinguished friends, amply proved the force of what they uttered. No one even ventured to question their positions. What, then, do we hope for from further discussion? We do not aim to frighten France by words. To little purpose is it that I have dwelt upon the history of that great nation, if I am not convinced that results directly the reverse of what have been intimated be not the consequence of any such attempt; or can we hope by further discussion to induce the movers of the many sets of resolutions now before us, or any one of them, to waive the honor which each is struggling for, and give place to his rival? It is a vain hope, sir. No one will recede; each seeks for the success of his own measure; few can vote for any of the resolutions as they now stand. In the meanwhile, sir, time flies; a few hours more, and this House will only exist as a matter of history; and, near as we are to the close of our political existence, it is absolutely appalling to reflect how little has been done. Upon the whole, therefore, sir, believing that when the proper time comes it will be better to act than to talk, and convinced that the silent operations of reason and reflection will be conclusive upon the minds of all men, both here and abroad, I move, in order to enable the House to dispose of at least some of the important bills upon the table, to lay the whole subject upon the table, and upon that question I call for the yeas and nays.

Mr. CAMBRELENG called for the reading of the resolution which he had offered, in its modified form. He desired that the House should know what it was that the gentleman from Pennsylvania [Mr. Watmough] had moved to lay on the table.

The resolution was read, as follows:

Resolved, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on.

The question was then taken on Mr. Watmough's motion to lay the whole subject on the table, by yeas and nays, as follows:

Yeas—Messrs. Chilton Allan, Ashley, Barber, Bates, Beaty, Bell, Binney, Campbell, Clayton, Clowney, Corwin, Crane, Crockett, Deberry, Dickson, Horace Everett, Garland, Gilmer, Gorham, Grayson, Grennell, Griffin, Hardin, James Harper, Hazeltine, E. Jackson, Henry Johnson, King, Letcher, Love, McComas, Mercer, Milligan, Phillips, Pinckney, Potts, William B. Shepard, Steele, Philemon Thomas, Tompkins, Trumbull, Tweedy, Vance, Vinton, Watmough, Wilde, Williams, Wise—48.

Nays—Messrs. John Quincy Adams, John Adams, John J. Allen, William Allen, Anthony, Archer, Banks, Barnitz, Baylies, Beale, Bean, Beardsley, Beaumont, Blair, Bockee, Boon, Bouldin, Briggs, Brown, Bull, Bunch, Burd, Burns, Cage, Cambreleng, Carmichael, Carr, Casey, Chambers, Chaney, Chilton, Chinn, Claiborne, Samuel Clark, William Clark, Clay, Connor, Coulter, Cramer, Darlington, Davis, Davenport, Day, Denny, Dickerson, Dickinson, Evans, Edward Everett, Felder, Ferris, Fillmore, Forester, Foster, Philo C. Fuller, William K. Fuller, Fulton, Galbraith, Gamble, Gholson, Gillet, Gordon, Graham, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Hard, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Hiester, Howell, Hubbard, Huntington, Inge, William Jackson, Janes, Jarvis, William C. Johnson, Richard M. Johnson, Noadiah Johnson, Seaborn Jones, Benjamin Jones, Kilgore, Kinnard, Lane, Lansing, Laporte, Lay, Luke Lea, Thomas Lee, Lewis, Lincoln, Lucas, Lyon, Lytle, Abijah Mann, Manning, Martindale, Marshall, Mardis, John Y. Mason, May, McCarty, McIntire, McKay, McKennan, McKim, McKinley, McLene, McVean, Miller, Miner, H. Mitchell, R. Mitchell, Moore, Morgan, Muhlenberg, Murphy, Osgood, Parks, Parker, Patterson, Patton, Dutee J. Pearce, Peyton, Pickens, Franklin Pierce, Pierson, Plummer, Polk, Ramsay, Reed, Rencher, Reynolds, Robertson, Schenck, Schley, Augustine H. Shepperd, Shinn, Slade, Smith, Spangler, Speight, Standefer, Stewart, Sutherland, William Taylor, William P. Taylor, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Whallon, White, Frederick Whittlesey, E. Whittlesey, Wilson, Young—168.

So the motion was negatived.

Mr. BEARDSLEY remarked that the amendment of the gentleman from Virginia [Mr. Archer] was the particular subject now under consideration. It contained two propositions; one declaratory of the views of this House, that no legislative measure was at this time required or proper; the other, a statement of the cause or foundation of the opinion at which the House had arrived. That foundation, as declared in the resolution, was a "just expectation" that France would make provision for carrying the treaty of July 4, 1831, into effect.

Mr. B. asked upon what that "expectation" was founded? What ground had we for assuming it as the basis of our action on this most important subject? All might, as all did, desire that result. It was the hope of every one; but, for himself, he saw no sufficient reason for expressing the "just," the confident "expectation," that the Government of France had already made, or would make, the required provision.

[Mr. Archer explained. He meant by the words "just expectation," as applied in the resolution, not to refer to the conduct of France, or what might be expected from her, but the character of our claims upon her, which he regarded as just.]

Mr. Beardsley said the explanation would help the matter but little, unless the phraseology of the resolution was changed. That would be understood, at home and abroad, according to the ordinary meaning of the terms used, and not as construed or explained by the honorable mover: and he insisted that the only fair interpretation that could be placed upon the language of the resolution was that which he had given. At least, that was its natural and common-sense meaning. France would so understand it, if adopted by the House, and she would act accordingly. Then, he would ask again, upon what was that "expectation" founded? Upon, as he supposed, the speculative conjecture of our minister at Paris, and upon that alone. After the omission of France, from 1832 to this time, to perform her treaty—a positive, long-continued neglect and violation of its provisions; and, still more, a positive refusal by the Chamber of Deputies to abide by its provisions—after the recall of the French minister and the dismissal of ours from France, we are called upon, in the face of this mass of evidence, to express a confident, a "just expectation" that France will abide by and perform her treaty, which has hitherto been most unceremoniously neglected and violated. He could see no reasonable ground for that opinion; and he would not, out of mere complaisance to France, express an expectation which, in his opinion, was in no respect warranted by her conduct. This was one, and, with him, a decisive, objection to the amendment under consideration. There were others, which might be stated, growing out of the posture of our present relations with France, and which, in his judgment, called for a decided expression of opinion on the part of this House.

Mr. B. said he could not vote for the amendment of the honorable and very distinguished gentleman from Massachusetts, [Mr. Adams,] which proposed to advise the President that further negotiation with France would meet the approbation of this House, if, in the opinion of the President, that course would be compatible with the honor and interest of the United States.

The treaty-making power was not vested in this House, but in the President and Senate. The President was the organ of that power, and of the Union at large, with all foreign Governments. He would leave those upon whom the constitution had devolved that responsibility, to exercise it, without obtruding upon them advice which is not asked for, and for which he could see no necessity. Even if the advice were of itself proper, he would not, at this time, expose to France any strong anxiety for further negotiation. With whom would we negotiate? With the King of the French? He had signed the treaty; he admitted its obligatory force, and was unquestionably desirous to see it fulfilled. It was not his fault that it had not been punctually performed. Why, then, negotiate further with the King? Or was it intended to invite a negotiation with the Chamber of Deputies?

Mr. B. said he did not, in all respects, approve of the original resolutions reported by the chairman of the Committee on Foreign Affairs, although he would vote for them rather than not express any opinion upon the subject. The amendment, however, which had been proposed by the honorable chairman, and which he understood had been accepted by the gentleman from Massachusetts [Mr. Adams] as a substitute for his first resolution, met with his entire approbation, and he should give it his vote. If adopted, it would express the opinion of this House that it was the duty of the Government of the United States to insist upon the performance, by France, of the treaty of 1831. The circumstances in which we were placed demanded an explicit opinion on our part, either that we would or would not insist upon its performance. If we were not prepared to insist upon it, let us say so, and abandon it altogether.

Gentlemen had said such an expression would be equivalent to a declaration of war against France. If so, then the minority of the Committee on Foreign Affairs was for war; for this was their sentiment, expressed in their own language, leaving off those words which were supposed to give it an unbecoming severity, if not, indeed, some small degree of ferocity. The obnoxious words, "at all hazards," had been stricken out, and the only sentiment which the resolution would now contain was the fixed opinion of this House that the treaty ought not to be abandoned, but that its performance should be insisted on. And, sir, have we not a right to express that opinion and to indicate that purpose? Is not such the general sentiment of our constituents? Are we prepared, any one of us, to abandon the treaty, or to say to France that we will not insist on its performance?

Sir, will France have a right to regard this resolution as a menace? Surely not. She has made the question for us, and we are bound to decide it—to decide it as the national honor and the national interest require; as our constituents demand that it should be decided. Sir, is there any reasonable doubt of what is the true sentiment of this country? Consult the public press: with the exception of the most degraded and corrupt of its organs, we shall find it united in maintaining the sanctity of the treaty, and insisting that the rights secured by it shall in no event be sacrificed or abandoned. Sir, let us take counsel from the patriotic feelings of the country, and proclaim to France and to the world that, as the obligation of this treaty is perfect, as on our part we have performed all its stipulations with fidelity, so we will exact and insist upon a similar observance on theirs.

Mr. BRIGGS expressed a disposition to vote for the amendment of the gentleman from Virginia, [Mr. Archer,] because it gave an expression of the opinion of the House, which he deemed necessary. It appeared by the discussion in the French Chambers, that an idea prevailed there that we were divided on the subject of the justice and intention of recovering this claim. This, he apprehended, was not the fact. He believed this House, he believed this people, to be united on this subject. The very newspaper (the National Intelligencer) which had been loudest denounced as opposing the views of the President, had very emphatically declared in favor of the validity of the treaty, and the necessity of its being fulfilled. An expression of the opinion of the House on this point, and the confidence we entertain in the final adjustment of the claim, seemed to be called for. He, for one, would contribute to that result of the discussion.

Mr. WISE begged to say a word or two only. Instead of spending so much time in idle debate, he thought they would be best doing their duty by putting their country into a state of defence. If this war should come within the next twelve months, he feared he should be called one of those members of Congress who neglected to take measures to put the country in a state of defence; and when the French fleet should arrive, and seize upon their fortifications, it will be asked, what was the House of Representatives about during the last two days of the session? and the only reply will be, that they were spent in debate. Mr. W. wished the subject had been laid on the table, and that they had taken up the subject of appropriation to provide for the means of defence. To the House, and every individual member of it, he would say, in mercy say no more about it.

Mr. CAMBRELENG expressed a hope that the gentleman from Massachusetts [Mr. Adams] would consent to adopt the resolution which he had proposed, for the purpose of facilitating the business of the House. If that gentleman did not deem it expedient to do so, Mr. C. said he should feel it incumbent on him to move it as an amendment, after the question had been taken on the amendment of the gentleman from Virginia. He urged the House to come to some action upon the subject. Let us, said Mr. C., do our duty, without reference to the course of the French Chamber of Deputies, and leave them to do theirs.

Mr. ADAMS, of Massachusetts, now rose and said that, before the question should be taken on the amendment now before the House, he was desirous of assigning the reasons which induced him to oppose its adoption, though some of them had already been stated, in a very able manner, by the honorable gentleman from New York, [Mr. Beardsley.] The amendment alleged "that in the just expectation that the Government of France will have made provision, or will make provision, for carrying into effect the stipulations of the treaty of indemnity with that Government, of the 4th of July, 1831, this House will forbear, at the present time, to adopt any measure in relation to that subject." Mr. A. said he was not disposed to bandy words either with the French Chambers or the French nation; but, for one, he could not say that there was just reason to expect any such thing. For himself, he had no such expectation. If he were to vote for the resolution, he must violate his own conscience. Whether the wording of the amendment was such as to express the idea intended by the honorable gentleman from Virginia, [Mr. Archer,] as explained by himself, or whether it was to be taken in the sense which it would assume in the opinion of the nation, and of mankind generally, he could not in conscience vote for it, because he did not believe it. If this was not the proper occasion, if there could be no proper occasion, to enter into a war of words with the Legislature of a foreign nation, he must at least be permitted to say that it was not an occasion which would justify the paying of compliments to the French Government. To what did his friend's "just expectation" refer? Did it rest on the fact that the treaty had been four years ago consummated, as far as the legal and constitutional authorities of the country could consummate such an instrument? That three if not four annual instalments of the sum stipulated to be paid had utterly failed? A failure for which we were justly entitled to still further indemnity? Did it refer to the fact that the Chamber of Deputies had positively refused to carry the treaty into effect? Or was it drawn from the complexion of the intelligence recently received of the existing disposition on the part of that Government? Did the honorable gentleman find in all this, the "just ground" for expecting that they would do us justice? Or, if his expectation was not derived from these facts, was it from the style of argument employed in the Chamber of Deputies by these treaty-breakers? Did the gentleman find there that regard to moral principle from which he drew his inference that they would faithfully perform their engagements? Or was it from the fact that that style of argument had, in effect, predominated in that body, and led to the rejection of our bill? Did his hopes rest on observing the little, narrow, Shylock principle of reasoning, that cavilled for the ninth part of a hair—the refusal to pay five millions, if they could get off by paying three? Was it that for the sake of securing this difference, these Deputies had openly imputed to the American people the lowest, meanest, basest feelings of the human breast? That we are held up as a money-loving people, who would sell our honor for gain? In a word, that we were actuated by all the vilest feelings that belong to cowards? He asked the gentleman from Virginia to say whether this was the foundation on which he grounded his just expectation? Did the gentleman believe that the present Chambers would be any more honest or more honorable than their predecessors?

Mr. A. said that this was one substantial reason why he could not adopt the amendment proposed by his honorable friend from Virginia. The other was (what the gentleman, in the honesty of his heart, frankly admitted) that the whole foundation of the very able speech by which the amendment had been supported, was fear! The gentleman had been replied to on this point by his own colleague [Mr. Bouldin] in a manner that rendered it wholly needless for him (Mr. A.) to make any further answer to his argument. While his friend had been speaking, Mr. A. had been very forcibly struck by the contrast, noticed by that gentleman's colleague, between the course which the honorable gentleman had endeavored to persuade the House to adopt, and that which all that gentleman's friends, in that House and out of it, knew the gentleman himself would follow, under the like circumstances.

Every body knew full well that there was not a man upon that floor more sensitive in whatever pointed towards his honor, or more prompt to expose his life at any moment for the minutest punctilio of the most fastidious code by which that honor could be judged. Yet the gentleman came there and told the House that they must not dare to resent the grossest perfidy on the part of a foreign Government—nay, that this House must not even declare its inflexible adherence to the rights of their fellow-citizens, stipulated by a solemn treaty, for fear of consequences. The gentleman, in his speech, had, with great ability, and with entire consistency, set forth his reasons for the amendment which he had proposed. The amendment and the speech were perfectly congenial with each other.

Mr. A. had, therefore, felt surprised when he heard his colleague [Mr. Gorham] declare that he should vote for the gentleman's resolution, though he protested against his speech. Mr. A. protested against both his resolution and his speech. He considered them perfectly consistent with each other. If the gentleman's argument was sound, then his conclusion was just. If the Chambers were not bound to carry the treaty into effect, then this House had no right to pass the resolution Mr. Adams had proposed. Thus, too, the resolution offered by the gentleman from Pennsylvania, [Mr. Watmough,] by way of compliment (he supposed) to the speech of the gentleman's colleague, from Philadelphia, [Mr. Binney,] ought to have been adopted; for that resolution was quite as consistent with the most able and eloquent speech of his colleague, as the resolution of the gentleman from Virginia was with the amendment he had offered.

Now, in order to lay a just foundation for such a resolution as was now proposed by the chairman of the Committee on Foreign Affairs, or such an one as he had himself had the honor to propose, it was necessary that the House should first settle the question which the gentleman from Virginia had raised, viz: as to the obligation upon the French Chambers to fulfil a treaty made by the King and his ministers. He had understood the gentleman from Georgia [Mr. Gilmer] to intimate something of the same uncertainty. He regretted that a gentleman for whom he entertained so high a respect should have countenanced, by a part of his speech, any doubt upon that subject. Mr. A. held in his hand the constitution of the French Government, and he should now ask leave to read to the House two sections from that instrument:

"Art. 13. The King is the supreme head of the State; he commands the land and sea forces, declares war, makes treaties of peace, alliance, and commerce, appoints," &c.

It is unnecessary to read further, the rest of the article being only the enumeration of other powers vested in the King.

Now, the House would observe that there was not here (nor in any other part of the constitution) one single word about any participation on the part of the Chambers in the making of treaties. And Mr. A. then declared in his place, before God and all mankind, that the treaty made by the French Government with this country was binding upon that Government in its full force before all the world.

There was another article of this French constitution which he desired to read to the House, because it had a bearing upon the internal operation of that Government, though equally applicable to its action towards foreign Powers.

"Art. 61. The public debt is guarantied. Every kind of engagement entered into by the State with its creditors is inviolable."

Now, what was this treaty but an "engagement with a public creditor?" And if all debts to public creditors were to be "held inviolable," why not with creditors in a foreign country as much as those at home? So that the Chamber of Deputies, who had rejected the project of law for the payment of the American indemnity, could not do so without violating, not only the faith of the French nation, but the very letter as well as the spirit of their own constitution.

Mr. A. said that he did flatter himself that the vote of the House which had just been taken, upon the motion of the honorable gentleman from Pennsylvania, [Mr. Watmough,] to lay all the resolutions and the whole subject on the floor—no—on the table—'tis the same thing—was an indication of that feeling in the House which he felt in his own heart, that it was the bounden duty of that House to declare what was its sense of the existing condition of things, and what was its conviction of the duty of the French Government to fulfil its national stipulations as contained in its treaty with this country.

He had heard the other gentleman from Pennsylvania [Mr. Binney] with that delight which always filled his mind when that gentleman undertook to discuss any important subject; but the delight had been in this instance mingled with pain and mortification. The speech of that gentleman had brought to his most reluctant mind the involuntary recollection of one who,

> ——"with words cloth'd in reason's garb,
> Counsell'd ignoble ease and peaceful sloth:
> Not peace."

It had been inquired by an honorable gentleman from Georgia, [Mr. Gilmer,] and the inquiry had been repeated by the gentleman from Pennsylvania, [Mr. Binney,] what was the object to be attained—what was the end for which the resolution which he proposed should be adopted by the House? He would tell these gentlemen what his object was in offering the resolution he had proposed.

At the commencement of the present session, the President of the United States had laid before the Legislative Assembly the existing state of our relations with the mighty and gallant nation who had been our earliest ally. He had told a tale which was simple and true, and it was a tale of plighted national faith deliberately broken; and he had concluded the communication by declaring that such was the present state of things with regard to the non-payment of the stipulated indemnity. The information was not new; the fact of the non-payment had been known to Congress at the close of its former session. But, after a correct representation of the wrongs of the nation, the President had proposed, on his high and great responsibility, that, if the French Chambers at their then approaching, or as it proved at their then existing session, should not make the appropriation to carry into effect the treaty of France with the United States, that reprisals should be granted against the French commerce.

Well, the President—but Mr. A. would make no farther observations on the message, though he had intended to make more than one—the President, as the great representative of the whole nation in its foreign relations, had assumed an attitude before the world; he had committed the nation upon the question; he asked not whether the measure was wise or unwise, spirited or rash; but the nation was committed; and now, what had Congress done? This House had—he would not say dodged the question—but the committee, who were its appropriate organ, had never made any report upon it, until within three days of the termination of the session. The world, therefore, did not and could not know what were the sentiments of the House.

In another place, (he would not name the Senate, lest he should be called to order,) but in another place, in another body, a committee had been raised, and that committee had done its duty faithfully: they had reported in a few weeks after the subject had been committed to them. They had submitted a very full and able statement of the case, and one which went to sustain the President in all the facts as he had stated them, and in the opinion he had expressed that the nation had suffered, and were suffering wrong, from a foreign Power, but declaring that it was not expedient for Congress to do that specific thing which the President had recommended as the remedy for the wrong, viz: the authorizing of reprisals. The resolution thus reported by the committee had been debated in a certain place that Mr. A. should not speak of, and the discussion had ended in the unanimous declaration by the body that—what? not that they would not adopt the specific remedy proposed by the President, but that it was not expedient to do any thing at all in the existing posture of affairs.

The message of the President had gone to France; the report of the committee had gone to France; the debates upon it had gone to France; and the resolution with which the report and the debate concluded, a resolution not of the committee merely, but of the body itself, had gone to France likewise. Under this state of things, how would the American nation, in its representative magistracy, appear before the nations of the world; and especially before that nation from whom we were claiming justice? One branch of the Government declaring that he believed we possess a remedy which we can apply, and another branch declaring that they will not support him in applying it; or in any other manner as a substitute for it. These two facts, put together, formed the foundation of all that anxiety which he had felt and expressed, and which had induced all his endeavors, hitherto fruitless, to drag that House, if possible, to do something upon the subject. From the 20th of January, six days after the resolution of the Senate was adopted, he had called repeatedly, earnestly, he might almost say incessantly, for a report from the Committee on Foreign Relations, as the foundation for the deliberation and action of the House upon the subject. He had felt that, where the other body had thought proper to close their action upon this great interest, it was the duty of this House to commence theirs. The other body had passed a resolution merely negative, refusing, by implication, to sustain the President, and leaving unnoticed the great national interest at stake. Mr. Adams had believed this an omission which it was the appropriate function of this House to supply.

He did believe that it was due to this nation, to mankind, and to the admitted obligations of France, that this House should declare that, if it could not sustain the President in the course he had recommended, still that they would never consent that the rights of our countrymen stipulated by the treaty should be sacrificed, abandoned, or impaired, by any consent or acquiescence on our part. It was in reference to the effect upon Europe and upon France, of the combined action of the three departments of our Government, that he had been so solicitous for some action on the part of this body; a body which, of all others, ought to express the feelings, the moral sensibilities, of the nation. What he wanted to prevent was an injurious impression going abroad from the conflicting views of the other two branches of the Government.

Whether this explanation would be satisfactory to the worthy gentleman from Georgia, [Mr. Gilmer,] or the able and talented gentleman from Philadelphia, [Mr. Binney,] he did not know. He gave it to the House and to the world, as the cause of the great anxiety he had shown heretofore. He gave it as the reason, satisfactory to his own mind, of all the solicitude he had so long and so often manifested on this question. He gave it as the object to be secured, the end to be obtained, by the first of his three resolutions, and as the motive of his aversion to the amendment proposed by the gentleman from Virginia, and to any and every resolution merely declaratory that this House will do nothing.

He wished that the action of that House might manifest not only the susceptibility, but the spirit of the nation: for if there had been an excess of spirit in the presidential communication, Mr. A. was sure the electricity *minus* in the other branch of the Legislature had been quite sufficient to counteract it. They had had upon that floor, on the present occasion, a perpetual series of homilies against the manifold evils of war; but they came from those who would prefer any thing to war. As long ago as the war of Troy, one of the greatest chieftains who figured in that celebrated contest had said, in a speech to the assembled chiefs, his associates,

> "Curst is the man, and void of law and right,
> Unworthy property, unworthy light,
> Unfit for public rule, or private care,
> That wretch, that monster, who delights in war."

These were the sentiments of a valiant and venerable warrior, delivered twelve hundred years before the religion of Christ had taught us that good will to man is the first law of our nature, and that peace on earth is among the most imperious of our duties.

Mr. A. inquired whether all they had heard during the present debate in that House, or that which met their ears, wafted on all the wings of the wind, from the public journals, contained more than these four lines from the Iliad? They came from one of the most valiant of all the heroes who had battled before the walls of Troy, in a quarrel which Mr. A. would say nothing about but this, that it was not so just or so important in its nature as that which now occupied the attention of that House. About the abstract question of the evil of war, none entertained any doubt. *Habes confitentem reum.* None disputed that war was a great evil; and if it were not too commonplace, he might add something, also, upon that subject. But give him leave to say that all the declamation of gentlemen against war was wholly irrelevant, unless they included, in their arguments against it, the cause of the war. When John Hampden spent £20,000 of his own money, and brought on one of the most bloody civil wars in history, what was it for? Because he would not pay twenty shillings of ship-money unlawfully demanded of him. It was said, at that day, "what a monstrous man that Hampden is! he is involving his country in all the horrors of a civil war to escape from the payment of 20 shillings!" So in '76, when this country, with a population of not one-fifth of its present amount, rushed into a war—not a foreign but a civil war; not against a nation of strangers, but against the mother country, and against thousands, too, of its own citizens; what had been the tory argument at that day? "What! will you incur all this blood and slaughter for a charge of 3*d.* a pound on tea?" But did that band who signed the Declaration of Independence admit the force of the argument? Did those men sit down and calculate that 3*d.* a pound on tea would not cost any one of them perhaps twenty shillings a year, and thereupon gravely conclude that they had better submit to so small a tax than go to war with the mightiest nation in the world, for 3*d.* a pound upon the price of tea? Such was the argument then; and such, in substance, is the argument now. For, what was the tax at that time, but the violation of rights secured by treaty—chartered rights? What were the charters of the colonies but treaties between the British Kings and their subjects in this hemisphere? What difference of principle is there between the obligation of the compact between a monarch and his people, and of a compact between the same monarch and another sovereign State; and if the people have not only the right, but are bound in duty to vindicate their right of property, even by war, against their own sovereign, are they not under the same obligation to maintain the same right, by holding a foreign King to the fulfilment of his covenant with them?

After two such examples, Mr. A. did not wish to come down to a later period in our history. But his colleague from Massachusetts [Mr. Gorham] would remember that, at the commencement of our last war, there were some who said we were encountering a great risk for a very petty object; and the Legislature of his own dear native State had raised a committee to inquire how many American mariners had been impressed on board of British men of war. The committee, if he remembered right, had reported that, after the most diligent inquiry, they could not find that more than thirty-nine or forty had been thus seized upon; and the argument upon the report was, "will you go to war—unto all the expense and all the horrors of war—a war with Great Britain, too, for thirty-nine or forty sailors?" The argument was as good then as it was now. For himself, Mr. A. said he should make no professions of any kind; but he could say with great truth that there was not a man in that House who had a more profound abhorrence of war than he had. He was ready to do any thing to avoid it that was consistent with the national honor. For, notwithstanding the dissertations and nice distinctions which the House had heard, to prove that there was no such thing as national honor, he could subscribe to no such doctrine. He believed there was such a thing as the honor of this nation, and that whenever it was endangered it ought to be defended. Some gentlemen perhaps might retort upon him that he did not expect, in case war should be made, ever to enter the field in his own person. Perhaps not; very probably not; but he should ever be ready to do for the honor of his countrymen what he would do for his own. If he knew his own heart, he would not expose one of his countrymen to a danger which he should be unwilling to encounter in case of need himself, nor would he be accessary to the shedding of the first drop of their blood for a cause in which he would refuse to shed the last drop of his own.

The resolutions he had proposed were three. The first contained a declaration that our rights, as admitted and secured by France in the treaty of indemnity, ought in no event to be sacrificed, abandoned, or impaired, by the consent of the Government of the United States. He considered such a declaration as just and necessary. Mr. A. said he had had his fears for the result of the long deliberations of the Committee on Foreign Relations, and the continual procrastination of their report. If the President should say that he had been deserted by the Legislature in his endeavors to support the rights of the nation, not only as to the specific measure he had recommended, but as to all other measures of any sort; and if the House should adopt the resolution reported by the majority of the Committee on Foreign Relations, that all further negotiation upon the subject is to be refused, he saw not what was to be the end of such a course of procedure.

The President had no power in his own arm; his power was derived only from the concurring arm of the people; and when one branch of the national representation declared that they did not approve of his measures, and the other branch delayed to declare what their opinion was, Mr. A. had a fearful misgiving that the interest itself might be sacrificed, abandoned, or impaired: an event which he should deem disgraceful to the honor of the nation, and faithless to the rights of our fellow-citizens, guarantied to them by the first principles of the social compact. He felt, therefore, extremely solicitous that something like spirit should be shown by some part of the Government besides the President, and that the House should declare what their views were of the rights of the nation.

He had then added a second resolution, declaring to the President, on the part of the House, that, if he considered it consistent with the honor of the nation to resume negotiations with the French Government, he should do so. He wished to give some indication by the House of what was its desire on that subject. He wished to show to the world that there was no desire in that body to cut off negotiation unnecessarily; that they were disposed to adopt all proper and becoming measures to preserve peace, and not to do any act which might be construed into a justification of hostilities by the French nation.

The second resolution had, indeed, been suggested by a resolution of the contrary tenor, reported from the Committee on Foreign Affairs. Mr. A. said that he was not, however, tenacious in respect to its adoption by the House. If the resolution adverse to negotiation, presented by the Committee on Foreign Relations, should be withdrawn, and if the House should consider the occasion such that it was assuming too much for the House even to hint, to whisper, to the President what his course ought to be, let them forbear; the House would dispose of the resolution as they pleased.

Before he resumed his seat, he wished to say one or two words in reply to the idea which had prevailed among many, both in and out of the House, in respect to the measure of reprisals, which had been recommended by the President in his message. The feeling now professed on that subject had not always prevailed: the members of that House had not always been so extremely alarmed at the idea of authorizing reprisals against nations who had wronged us. He would refer gentlemen to the year 1794, when our commerce was suffering depredation from the cruisers of Great Britain, and when the delivery of the Western posts, stipulated by treaty, had not been performed. The great reason openly given for withholding the delivery of those posts was, the weakness of this nation: we were not in a condition to compel the surrender. We were then under the articles of the old confederation. But after the organization of the present constitution, at the commencement of the French revolutionary war, Great Britain had issued orders in council, under which great depredations had been committed upon our commerce, and, on the 27th March, 1794, Mr. A. found upon the journals of the House of Representatives the following resolutions:

"*Resolved*, That provision ought to be made, by law, for the sequestration of all the debts due from the citizens of the United States to the subjects of the King of Great Britain.

"*Resolved*, That provision ought, in like manner, to be made for securing the payment of all such debts into the treasury of the United States, there to be held as a pledge for the indemnification of such of the citizens of the said States as shall have suffered from the ships of war, privateers, or from any person or description of persons acting under the commission or authority of the British King, in contravention of the laws of nations, and in violation of the rights of neutrality."

What was this but reprisals? The money was to be paid into the treasury of the United States, and held by us as a security for indemnification for outrages upon our rights of neutrality. The measure had been continued to be suspended in the House until the succeeding month of May. Whoever would look at the yeas and nays, would find that this measure of reprisals had been voted for by Madison and Macon. The House, indeed, had not passed the resolutions, but it had agreed to and did actually pass a non-importation law. Congress at that day was prepared to sanction an act more daring by far than would now be the authorizing of reprisals against the commerce of France. The non-importation law was not passed in the Senate. It was rejected by the casting vote of the Vice President. But why? Because on the 15th of April, 1794, President Washington had nominated Mr. Jay as envoy extraordinary on a special mission to Great Britain, and assigned the prospect of war as one reason for that appointment.

In the first volume of the Executive Journal of the Senate, page 150, under date of the 15th of April, 1794, is the following message:

"*Gentlemen of the Senate:*

"The communications which I have made to you during your present session, from the despatches of our minister in London, contain a serious aspect of our affairs with Great Britain. But as peace ought to be pursued with unremitted zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated; I have thought proper to nominate, and do hereby nominate, John Jay as envoy extraordinary of the United States to his Britannic Majesty.

"My confidence in our minister plenipotentiary in London continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a solicitude for a friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such an envoy will carry with him a full knowledge of the existing temper and sensibility of our country, and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity.

"G. WASHINGTON."

This, Mr. A. said, was a formula which he wished to see adopted in all times of like difficulty. To vindicate our rights with firmness, and to cultivate peace with sincerity, was our duty now, as it had been that of our fathers in 1794. When this message of President Washington was sent to the Senate, the resolutions for sequestering British debts, and the non-importation bill, were measures pending in the House of Representatives, a majority of which had warmly favored him. They were superseded by the mission of Mr. Jay. The rights of the nation were vindicated, the peace of the nation was preserved, and an example was set of firmness and of moderation, successful in the result, and worthy of imitation in all cases of irritable altercation with foreign Powers. A declaration of determined purpose to maintain our rights, with an extended olive branch in the hand, appeared to him the appropriate attitude for the nation now to assume.

But if it was not the intention of the House, if they considered it improper, even in such an emergency as the present, to advise the resumption of negotiations with the French Government, he would readily abandon that resolution, as his object had been only to obtain from the House what he considered a far more significant expression of its opinion than a resolution to lay the whole subject upon the table. But if the House should reject the amendment proposed by his honorable friend from Virginia, [Mr. ARCHER,] he would either accept the modification proposed by the honorable chairman of the committee, [Mr. CAMBRELENG,] or suffer it to be put as his, and withdraw his own.

When Mr. A. had concluded,

Mr. HARDIN had hoped, he said, that the Committee on Foreign Affairs would have reported in sufficient time to have allowed every gentleman an opportunity of delivering his sentiments upon this subject. Late as it was, Mr. H. should not have said a word on the subject, but for the last war-speech of the gentleman from Massachusetts, [Mr. ADAMS.]

Mr. H. entered into an examination of the foundation of these claims under the treaty. They had arisen from spoliations made by Napoleon Bonaparte, who had always refused to make any indemnity. Both Louis XVIII and Charles X had also refused to enter into it; and it was only on the elevation of Louis Philippe to the throne of France that these twenty-five millions had been acknowledged. To this King we owed the treaty, and he had omitted nothing in his power to secure its passage. Mr. H. also contended that the French Chamber, as the popular branch, had the same right to reject a treaty involving an appropriation, as the House of Representatives in Congress had. Besides, the French had the power of making their own laws and their own constitution, and they had the right of putting their interpretation upon them. With these views, he thought it cowardly, he thought it dastardly, for this nation to threaten war. He could see no treachery, no backsliding, in the King or his ministers. That king was surrounded with difficulties, and had made himself responsible for injuries done twenty-five years ago. What should we go to war for? A paltry sum of five millions. A war would cost us in one year not less than ten or fifteen millions of dollars, and would sweep from the ocean at least fifty million of our commerce. And upon whom would the expense fall? Upon the hard-working, industrious farmer, almost exclusively. Besides, Mr. H. had no feeling for a French war. He remembered, when we had only two millions and a half of people; when we were overwhelmed with debt, and our little band of hardy patriots without arms or clothing, that France shed her blood and expended her treasure for us. Should we forget this? She stood by us when all the nations of the earth stood aloof from us.

Mr. GORHAM rose to reply to some remarks of Mr. Adams. He said the whole bent of that gentleman's resolutions and his speech began and ended in the position that war was inevitable with France. He denied that such was the feeling or the policy of Massachusetts. Mr. G. then proceeded to examine the grounds on which the treaty stood, how it was obtained, &c. He also went into a detail of the difference of sentiments entertained by him from those of other gentlemen who had addressed the House, particularly Mr. Archer and Mr. Adams.

Mr. CHILTON next obtained the floor. He also replied most particularly to the remarks of Mr. Adams. The position which that gentleman first took upon this floor upon this question excited the surprise of all, and particularly his friends. He had then accused another branch of the Legislature of dodging the question. He had subsequently, in an explanation, declared that he also wished this House to do the same thing. On the last occasion he had assured the country that there was no prospect of a war with France; that there was not a member on that floor who would vote for such a proposition. How were we to reconcile those various and conflicting opinions and sentiments of the gentleman with his present course? Mr. C. said the resolutions of Mr. Adams were infinitely weaker than he could approve, though he denounced his war speech. He disavowed any personal disrespect to that gentleman, in thus alluding to the inconsistencies of his course. To use a musical phrase, he had looked upon the gentleman heretofore as a sort of political pitch-pipe to his friends. But if the trumpet give an uncertain sound, how shall the horseman prepare himself for the battle? Hereafter he should follow a trumpeter with an instrument of a less uncertain sound.

Mr. ARCHER also thought the gentleman from Massachusetts [Mr. Adams] should be the last to give lectures on consistency. Allusions had been made to his fears and to his courage. If he had courage, he was sure he would not show it only, as he would not say whose was shown, in bravado and menace. He had said that he had full confidence in the justice of France. He still retained that opinion. Mr. A. continued further to defend his amendment.

Mr. HAWES told a story of a bird whose only cry was "fair play." Such was his cry on the present occasion, as he could not abide to see so many birds plucking one. He was well aware, however, that the gentleman from Massachusetts [Mr. Adams] needed no champion to enter the lists in his defence; for, as the roused lion shakes the dew drops from his mane, so could he shake off his antagonists at will. He marvelled what had brought down the ire of his two colleagues, [Messrs. Hardin and Chilton,] and the gentleman from Virginia, [Mr. Archer,] in their united strength, upon the distinguished gentleman from Massachusetts. Was it because an American heart beat high in his bosom? Was it because he boldly stepped forward to sustain the honor of his country? Mr. H. said no man had been accustomed more highly to respect the French nation than himself. He, too, like his honorable colleague, [Mr. Hardin,] remembered when with us the lily was accounted the fairest flower of the field. He, too, had paused with high-wrought feelings before the painting in the rotundo, where the warriors of veteran France and infant America were grouped together in the enjoyment of recent victory, the reward of their mutual prowess. But should the recollection of those things make us forgetful of right? Should they teach us to see our country trampled upon? His other colleague [Mr. Chilton] had represented the gentleman from Massachusetts as ready at one time to be received with open arms by a party on that floor. By what party? He asked if there was already a French and an American party in that House? If so, it was high time the people of Kentucky knew it; and he should feel it his duty to go home and acquaint his constituents of the fact. They were accustomed only to rally under the flag of their country. Mr. H. said he rose only to say what he had said. He did not like to see the gentleman from Massachusetts, whose long career had been crowned with that brightest of all crowns, the suffrages of a free people for their highest station, exposed to a rifle here, a musket here, and a pop-gun there.

The question was then taken by yeas and nays on Mr. Archer's amendment; it was rejected, as follows: Yeas 71, nays 143.

Yeas—Messrs. Heman Allen, Chilton Allan, Archer, Ashley, Barber, Barringer, Bates, Baylies, Bell, Binney, Campbell, Chambers, Chilton, Claiborne, William Clark, Clayton, Clowney, Corwin, Crockett, Davis, Davenport, Deberry, Dickson, Evans, Horace Everett, Felder, Gamble, Gilmer, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hardin, Hazeltine, William Jackson, Ebenezer Jackson, Janes, King, Letcher, Lewis, Lincoln, Martindale, Marshall, McComas, Mercer, Milligan, Miner, Murphy, Phillips, Pickens, Pinckney, Potts, Ramsay, Reed, Rencher, Robertson, William B. Shepard, Slade, Steele, Tompkins, Trumbull, Tweedy, Vinton, Watmough, Elisha Whittlesey, Wilde, Williams, Wise, Young—71.

Nays—Messrs. John Q. Adams, John Adams, John J. Allen, William Allen, Anthony, Banks, Barnitz, Beale, Bean, Beardsley, Blair, Bockee, Boon, Bouldin, Briggs, Brown, Bull, Bunch, Burd, Burns, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Samuel Clark, Connor, Coulter, Cramer, Day, Denny, Dickerson, Dickinson, Dunlap, Edward Everett, Ferris, Fillmore, Forester, Foster, Philo C. Fuller, William K. Fuller, Fulton, Garland, Gholson, Gillet, Graham, Thomas H. Hall, Halsey, Hamer, Hannegan, Hard, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Hiester, Howell, Hubbard, Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Henry Johnson, Seaborn Jones, Kavanagh, Kilgore, Kinnard, Lane, Lansing, Laporte, Lay, Lea, Lee, Love, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Manning, Mardis, John Y. Mason, Moses Mason, May, McCarty, McIntire, McKay, McKennan, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Moore, Morgan, Muhlenberg, Osgood, Parks, Parker Patton, Patterson, D. J. Pearce, Peyton, F. Pierce, Pierson, Plummer, Polk, Reynolds, Schenck, Schley, Augustine H. Shepperd, Shinn, Smith, Spangler, Speight, Standefer, Stewart, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, White, Frederick Whittlesey, Wilson—143.

Mr. CAMBRELENG then moved the following resolution (according to an intimation which he he had before made) as an amendment to the first of those introduced by Mr. Adams:

Resolved, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on.

Mr. ADAMS said he was willing to adopt it. While he was up, he had a word to say on the remarks of his colleague, [Mr. Gorham,] who had denounced his course as not being in accordance with the sentiments of Massachusetts. If such was the fact, he could but regret it. He had only to say it was in accordance with the dictates of his own heart.

Mr. GORHAM said there was no man in the United States for whom he had more sincere respect than for his honorable colleague. He had not made his remarks in a spirit of dictation. He was well aware that that gentleman possessed the right to maintain his own opinion; but he (Mr. G.) must be permitted also to retain the opinion he had already expressed.

Mr. S. JONES, of Georgia, then submitted the following, as an amendment to the above:

Resolved, That, with a solemn treaty, acknowledging the rights of our citizens, entered into under the usual formalities, and with a nation professing to be governed by that code which prescribes the obligation of such instruments, we have every right to expect that the same will be observed in good faith; and that, as this House is officially informed the law for executing said treaty is now under consideration in the French Legislature, it is inexpedient, for the present, to legislate on the subject.

Mr. S. JONES briefly advocated the amendment, and called for the yeas and nays; but they were not ordered.

The question was then taken, and the resolution rejected without a division.

Mr. ROBERTSON then offered the following, as an amendment:

Strike out from first resolution, words "resolved that," and insert:

"There is satisfactory evidence that the French Government desires that the appropriation for indemnity should be made in pursuance of the stipulations of the treaty of July 4, 1831, and reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States."

Mr. GORHAM asked for the yeas and nays; which were not ordered. The amendment was then rejected.

The question then recurring on the substitute adopted by Mr. J. Q. Adams, as given above,

Mr. MANN, of New York, called for the yeas and nays.

They were ordered and taken, when the resolution was adopted unanimously, as follows:

Yeas—Messrs. John Q. Adams, John Adams, Heman Allen, John J. Allen, William Allen, Anthony, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Beale, Bean, Beardsley, Beaty, Beaumont, Bell, Blair, Bockee, Boon, Bouldin, Briggs, Brown, Bull, Bunch Burd, Burns, Cage, Cambreleng, Campbell, Carmichael, Carr, Casey, Chambers, Chaney, Chilton, Chinn, Claiborne, Samuel Clark, William Clark, Clayton, Clowney, Connor, Corwin, Coulter, Cramer, Crockett, Darlington, Amos Davis, Davenport, Day, Deberry, Denny, Dickson, Dickerson, Dickinson, Dunlap, Evans, Edward Everett, Felder, Ferris, Fillmore, Forester, Foster, Philo C. Fuller, William K. Fuller, Fulton, Galbraith, Gamble, Garland, Gholson, Gillet, Gilmer, Gordon, Gorham, Graham, Grayson, Grennell, Griffin, Joseph Hall, Hiland Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Hard, Hardin, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Hawes, Hazeltine, Heath, Henderson, Hiester, Howell, Hubbard, Huntington, Inge, William Jackson, Ebenezer Jackson, Janes, Jarvis, Richard M. Johnson, Noadiah Johnson, Henry Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kilgore, King, Kinnard, Lane, Lansing, Laporte, Lay, Lea, Lee, Letcher, Lewis, Lincoln, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Manning, Martindale, Marshall, Mardis, John Y. Mason, Moses Mason, May, McCarty, McComas, McIntire, McKay, McKennan, McKim, McKinley, McLene, McVean, Mercer, Miller, Milligan, Miner, Henry Mitchell, Robert Mitchell, Moore, Morgan, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, D. J. Pearce, Peyton, Phillips, Pickens, F. Pierce, Pierson, Pinckney, Plummer, Polk, Potts, Ramsay, Reed, Rencher, Reynolds, Robertson, Schenck, Schley, Augustine H. Shepperd, Shinn, Slade, Smith, Spangler, Speight, Standefer, Steele, Stewart, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Thomson, Tompkins, Trumbull, Turner, Turrill, Tweedy, Vance, Vanderpoel, Van Houten, Vinton, Wagener, Ward, Wardwell, Watmough, Webster, Whallon, White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young—212.

Nays—none.

Mr. ADAMS then withdrew his other resolution; and Mr. CAMBRELENG also withdrew the first resolution reported from the Committee on Foreign Affairs, its place being superseded by the one first adopted.

The following resolutions were then also unanimously adopted:

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

Resolved, That preparation ought to be made to meet any emergency growing out of our relations with France.

The joint resolution from the Senate, rescinding the joint rule which prohibits the transmission of bills to the President on the last day of the session, was then adopted, after an ineffectual attempt on the part of Mr. Mason to amend it, so as to rescind that which prohibits the transmission of bills from one House to the other on the same day.

On motion of Mr. POLK, several appropriation bills, returned from the Senate with amendments, were referred to the Committee of Ways and Means; when, at 12 o'clock,

The House adjourned.

Tuesday, March 3.

By unanimous consent of the House, Messrs. Clay, Moses Mason, and Wilde, were permitted to record their votes in favor of Mr. Adams's resolution, as modified at the suggestion of Mr. Cambreleng, on the subject of the French treaty.

GENERAL APPROPRIATION BILL.

On motion of Mr. POLK, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. Hubbard in the chair,) for the purpose of considering the amendments of the Senate to the several appropriation bills.

The committee first proceeded to consider the amendments made by the Senate to the bill making appropriations for the support of Government for the year 1835.

The amendments increasing the appropriations for the contingent expenses of the two Houses of Congress, and increasing the appropriation to the superintendent and watchmen of the northeast executive building, were concurred in.

The amendment providing that the salary and outfit for a minister to England should not be paid unless a minister should be appointed at the present session of Congress, or in the recess, by and with the advice and consent of the Senate, was read.

Mr. POLK said he did not rise to make a speech. His purpose was to move that the committee disagree to this amendment. The amendment was altogether unusual, and he believed wholly unnecessary. We should not presume that the President would not discharge his constitutional duty, and it was not necessary to preadmonish him in regard to it.

Mr. ADAMS, of Massachusetts, said he called the attention of the House to this subject when the bill was before it. He had, however, submitted no motion in regard to it. It had now become a matter of more importance that a minister should be sent to England. If our minister should be recalled from France, and our negotiations suspended, it was proper that we should have a minister in the neighborhood. This amendment ought not to be sanctioned. In the first place, it was an attempt at dictation to the President, which was inconsistent with the constitution. In the second place, it made the appointment of a minister dependent upon a special call of the Senate. He did not agree that the President had not the power, under the constitution, to appoint a minister in the recess.

The amendment was disagreed to: Yeas 51, nays 74.

The amendment making an appropriation in favor of John Randolph Clay and N. Niles, was amended by inserting the sum of $1,080, to be paid to Captain John Downes for presents to the natives of the Sandwich and Society Islands, and concurred in.

The amendments in favor of Samuel Slater, and for the purchase of iron chests for the safe-keeping of the records of the United States courts in the city of New York, were non-concurred in.

The amendment appropriating $77,381 98 for the completion of the warehouse at Baltimore, was amended, on the motion of Mr. POLK, by inserting $60,000, instead of the first sum; which was agreed to.

The amendment allowing to Valentine Geisey $802 87, was amended by substituting $862 81, and agreed to.

An amendment making an appropriation for certain improvements being read,

Mr. JARVIS moved to amend the amendment by making an appropriation for the erection of a Treasury building, to be constructed of granite.

Mr. CHINN suggested an amendment providing that the building should be constructed of freestone.

The two latter amendments were negatived, and the Senate's amendment concurred in.

Mr. WILDE moved to strike out the name of Persico, and insert that of Mr. Thorwald, an American artist, to be employed in decorating the Capitol.

Mr. WARD said if there were any works that commanded the admiration of the visiters of the Capitol more than others, they were those of Mr. Persico. Besides, there were provisions made already in this bill for American artists.

Mr. POLK appealed to the House not to engage in discussions about the merits of artists at the last day of the session, with so much business before them that must be acted on. He hoped the amendment would at once be rejected.

After a few words from **Mr. MERCER**, the amendment was negatived.

Mr. WILDE moved to strike out the name of Mr. Persico, and insert that of Mr. Greenough.

Mr. J. Q. ADAMS said Mr. Greenough was already engaged in a great work.

The amendment was negatived.

Mr. HAMER then moved to strike out the whole paragraph; which was agreed to.

Mr. Jarvis's amendment was negatived, and the amendment of the Senate was concurred in without a division.

Mr. POLK moved that the House non-concur in the amendment of the Senate providing $250 for recording the opinions of the judges of the Supreme Court. The clerk already received sufficient.

Mr. HARDIN briefly supported it, and it was agreed to.

Mr. MASON, of Virginia, proposed an item of $7,400 for the system of military tactics for the army of the United States.

Mr. MANN, of New York, understood this was for paying General Scott for translating and compiling this work, which he had done without the authority of any resolution of Congress.

Mr. WARD was understood to say that a resolution on the subject had been adopted.

Mr. MANN had no idea of paying officers twice over. General Scott now received six thousand eight hundred and some odd dollars annually, and the country was entitled to his whole services. It was a case similar to that of Commodore Hull, which the House had rejected.

Mr. MASON, of Virginia, explained the facts of the case. A resolution had been adopted, authorizing the Secretary of War to employ a person to compile a system of military tactics for the army of the United States. He had done so. The work had been approved of and adopted by the Military Committee of that House. A bookseller had offered General Scott more than was now asked. Mr. M. denied that the case of Commodore Hull was analogous to this, because the services for which that officer claimed extra compensation were within the line of his duty.

Messrs. PATTON, MERCER, ARCHER, and **VANCE**, further supported the amendment, and **Mr. MANN**, of New York, opposed it.

Mr. FERRIS remarked that the brief space allowed the House to finish the much important business before them would prevent him from extending his remarks beyond what a sense of duty to a gallant and meritorious officer, and the obligations of justice, would seem to require. He (Mr. F.) was as much opposed as any person could be to paying public agents in any capacity, civil or military, extra compensation for service performed in the line of their duty. But if they are required to perform services of a different description, of an extraordinary character, requiring much labor, research, and talents of a high order, in their performance, he would not refuse his assent to make compensation to the officer commensurate with the services rendered.

The system of tactics prepared by General Scott, under the direction of the Secretary of War, and with the sanction of a resolution of Congress, was necessary, in order that our system of military discipline should receive and have incorporated with it those improvements which the protracted wars of Europe have brought into use, and whose utility and efficiency have been tested by experience. It is found by experience that, in many cases, a line of men three deep is more efficient than a line of men two deep. If so, it would be unwise in us not to adopt this improvement in such cases; but to do so requires an entire change in our system, and in all the evolutions in which this change forms a part. It may also be proper to observe that the paces or steps necessary in the performance of military manoeuvres differ according to the military system of tactics in use in different countries, both as to time and distance. It must be obvious, therefore, that, in the adoption of improvements into our system of discipline, it becomes necessary to make a compound calculation of the number of paces and time of making them required by our system to perform the manoeuvre proposed to be adopted from any foreign system. Such a work cannot be called a mere compilation or translation; and, if not entirely original, requires new matter, much intense study, and many laborious calculations. The talents and learning in military matters required for a work of this description are of no ordinary kind, and require a union of practical skill, theory, and knowledge of the military tactics of the various civilized nations, and of military history, rarely found in the same individual; and it is but an act of pure justice to say of the gentleman who has prepared this work, that they are found in him. If these matters are duly considered, it will be found that the compensation proposed is reasonable, and it would be unfair to reduce it to the pay allowed to the writers of newspaper paragraphs, translators, or mere compilers of the writings of others. Can any one of us doubt of the utility, or even necessity, of such a work, to enable us to keep pace with the improvements in tactics adopted in the European armies? It is the military discipline of the armies of civilized nations, based on a scientific system of tactics, by which masses of men are moved with uniformity and celerity under the direction of a man, that gives them superiority over barbarians, and enables them to vanquish many times their numbers, and not superior physical force or bravery; and, when all other things are equal, that military force which has the best discipline and tactics may be regarded as the most powerful and efficient. With these views and impressions, I shall support the amendment offered by the gentleman from Virginia.

Mr. **BEALE** proposed to insert 2,500 dollars, instead of 7,400.

Mr. **GRENNELL** said it was to him a clear case of contract between the Government and General Scott, and the only question was, whether the work was worth the money.

Mr. BEALE's amendment was negatived without a division.

The amendment of Mr. MASON was also negatived: Yeas 57, nays 76.

The amendment appropriating 1,380 dollars for the purchase (for the use of the public land offices) of copies of Gales & Seaton's documents in relation to the public lands, was taken up.

Mr. **LYTLE** moved to amend the amendment by appropriating 2,000 dollars for the construction of one or more fountains in the public grounds adjacent to the Capitol; which was negatived.

The amendment of the Senate was not concurred in.

The amendment of the Senate, appropriating $40,000 for Gales & Seaton's State Papers, for the year 1835, was read.

Mr. **POLK** referred to the large appropriations hitherto made for this work. A majority of the Committee of Ways and Means were opposed to the amendment.

Mr. **PLUMMER** opposed the amendment. Every time an appropriation was made to this object, it was considered authority for continuing the work up to the period at which the appropriation was made. He was disposed to limit these appropriations, and stop the future publication of the work, so far as the House was concerned.

Mr. **MANNING** said that, if a contract had been entered into in this case, it ought to be complied with. He asked the Chair whether there existed a contract in relation to this publication.

Mr. **HARDIN** said, if the books were published, he would be willing to pay for them. If not, he, for one, was disposed to put a stop to this useless waste of the public money. He had received the last and present year a number of the copies of this work. They probably cost the Government three or four dollars per volume, and they were not worth twelve and a half cents per volume; they would not pay their carriage to Wheeling. It was only intended to give a job to the printers of this city, and it was high time that a stop should be put to it.

[The law authorizing the publication of these documents was then read.]

Mr. H. said this appropriation was for the present year. He repeated that the work was worthless. The small volumes were not worth more than six and a quarter cents, and the larger size not twelve and a half cents per volume.

Mr. **BARRINGER** explained the manner in which the work was compiled and executed. He was surprised that any gentleman should oppose the amendment, under the circumstances of the case.

Mr. **HAMER** said he did not understand this contract. It seemed that 750 copies were to be published, but as to the number or size of the volumes no provision was made. There had been already eight or nine volumes published, and there was no telling where it would end. It might be continued for a hundred years. He was disposed to pay for what had been printed; but he would not go further.

The amendment was then concurred in: Yeas 76, nays 62.

The amendment making a further appropriation of $10,800 for completing the printing of the land documents ordered by the Senate, was read. It was opposed by Messrs. **POLK, PLUMMER,** and **VINTON,** and supported by Messrs. **GARLAND** and **E. WHITTLESEY.**

Mr. **E. EVERETT** moved to amend the amendment by directing the manner in which the foregoing work should be distributed; which was agreed to.

The amendment of the Senate, as amended, was then negatived: Yeas 59, nays, 61.

Mr. **R. M. JOHNSON** moved to amend the bill by appropriating $2,600, for the publication of the new system of discipline and tactics for the use of the army of the United States.

Mr. **LETCHER** moved to amend the amendment by appropriating to General Winfield Scott $7,500, for compiling and superintending the publication of the foregoing work.

Mr. **WILLIAMS** proposed 5,000 dollars; which was agreed to: Yeas 76, nays 63.

Mr. **HAWES** moved a proviso, that the sum to be paid to General Scott should be in full of allowances on this account; which was negatived.

The amendment offered by Mr. JOHNSON, of Kentucky, was then agreed to, as amended.

Mr. **SMITH** moved to strike out the several items of the Senate's amendment regarding appropriations for the West Point Academy.

Mr. S. said he did not rise to detain the progress of this bill more than a few minutes. He could not, however, forbear to remark that the manner and circumstances in which this proposition has been brought before this committee clearly indicate something new in the history and condition of the institution at West Point. It has been usual, Mr. Chairman, and I believe invariably the practice, for the items now to be passed upon to originate in this House, instead of in the Senate. In no instance, (said Mr. S.,) it is believed, have they ever been brought before this House, until now, in the shape of amendments tacked upon the general appropriation bill of the House by the Senate.

[Mr. WATMOUGH said he would explain the reason of this course, if Mr. S. would permit.]

Mr. SMITH said he well understood the reasons for this novel procedure. And the committee well understand the why and wherefore the Senate has thus brought these proposed appropriations before the House, but he would not now go into their reasons. He would, however, observe that it cannot but appear extraordinary that appropriations of this magnitude, amounting, as he believed, to more than $120,000, should be asked for the support of the Academy at West Point, while there is lying upon the table of the Speaker a report of a committee of the House, wholly adverse to the institution. That report, sir, has come from a committee of twenty-four members, and is the result of laborious investigation. And the inutility and unprofitableness of the institution is so fully demonstrated by that report, that the friends of the academy upon this floor have not dared to have it printed, and the contents of it brought home to the knowledge of the members of this House and of the public. Repeated efforts have been made to have that report printed: but the friends of the institution have as frequently defeated it. The report, sir, upon the Speaker's table, demonstrates that only about two in five of those who enter the institution remain in it to graduate—and that only about two in five of those who graduate, or about one in twelve of those who enter the institution, actually enter the public service at whose expense they are educated. The report also demonstrates that such are the influences prevailing at the institution, that more dismissals from it take place annually than at all the other institutions of a similar high grade in the country. The discipline of the institution has proved insufficient to counteract these influences. A portion of the cadets have been within three or four years past publicly censured by the head of the War Department, and, to succeed in the government of the institution, a tavern stand in the vicinity of it was necessarily bought up a few years since, at an expense of $10,000 to the people. But, said Mr. S., the time of the committee will not admit of my going more into the detail of the developments contained in the report of the select committee, which has been thus far suppressed. I will, however, make a motion, and leave every gentleman to take upon himself the responsibility of voting it down, if he chooses; and I presume it may be voted down. I will submit a motion, said Mr. S., that the committee non-concur with each of the amendments of the Senate making appropriations for the academy.

Mr. HAWES moved to amend the amendments proposed by the Senate, by adding an appropriation for printing 5,000 copies of the report of the select committee on the Military Academy, to which Mr. Smith had alluded; which motion was agreed to without opposition.

Whereupon Mr. SMITH withdrew his motion to non-concur in the amendments of the Senate.

The amendment of the Senate, appropriating 650,000 acres of land for the satisfaction of military bounty land warrants, was read.

It was advocated by Messrs. McKINLEY, CHINN, HARDIN, JOHN Y. MASON, and ALLEN of Virginia, and opposed by Messrs. PARKER, MILLER, VINTON, and BURD; when the amendment was agreed to: Yeas 83, nays 48.

The amendment making an appropriation of lands to satisfy certain confirmed land claims in the State of Missouri, was read.

Mr. JOHNSON, of Tennessee, opposed the amendment, on the ground that the claims embraced in the report of the commissioners ought not to be confirmed. It would be giving away several hundred thousand acres of land, and open a door for the same disposition of some two millions of acres more. The House knew nothing about the nature of the claims; the reports had not been printed; they had not taken the usual course, through Secretary of the Treasury, and by him examined, and his opinion as to their validity reported to Congress. The grossest frauds had been practised in granting the lands; the Governors who made the grants had violated their oaths. All these facts he (Mr. J.) could establish, if the time of the House would permit him to do so.

Mr. ASHLEY, of Missouri, expressed his astonishment at the statement of the gentleman from Tennessee, which he (Mr. A.) pronounced erroneous from beginning to end. It had not been usual, as stated by the gentleman from Tennessee, for the Secretary of the Treasury to examine reports of commissioners in such cases, and accompany the same with his opinion, as to the validity of the claims, to Congress. Mr. A. called upon gentlemen to point out a single instance where a report of the kind had been accompanied by any such remarks. The Secretary of the Treasury had been merely the channel of communication, without a word further than that he had received and transmitted the document. The assertion that the claims embraced in the report have been rejected by three or four different boards of commissioners is equally untrue. Not one of them has been rejected by more than one board of commissioners, and then that rejection was in a great degree the result of a want of knowledge on the part of the Secretary of the Treasury (who gave instructions to the first board of commissioners appointed to examine and adjust those claims) as to the laws, usages, and customs, of the Spanish Government applicable to them.

The statement of the member from Tennessee is equally erroneous as respects the printing of the report. It will be remembered that, at the suggestion of that gentleman, after the failure of the bill of the last session confirmatory of the commissioners' report, the report was referred to the Secretary of the Treasury, with instructions to examine the claims, and report his opinion thereon to this House, at the commencement of the present session. At the same time the printing of the report was ordered. Mr. A. received a printed copy in August, and he supposed a copy had been forwarded to every member of Congress. Mr. A. had taken up the report, and carefully examined every claim embraced in it, referring, as he proceeded, to the laws of the United States, the laws, usages, and customs, of the Spanish Government, and the decisions of the Supreme Court of the United States applicable to private land claims in Upper Louisiana, (now Missouri,) and he did not hesitate to give it as his decided opinion, that every claim contained in the report ought to be confirmed. Perhaps some few cases, under the strict letter of the law, might be excluded; but in equity they would no doubt be considered valid. Any further delay in confirming the whole report would be adding injury to the already injured claimants, who had been transferred from their former Government to that of the United States, without their consent, or without their previous knowledge of the transfer, with a solemn pledge on the part of the United States to protect them as citizens in their persons and property. This pledge had not, as yet, been redeemed. The rights of those citizens are yet withheld, and shamefully withheld.

Mr. A. said he had lived long among the original inhabitants of Upper Louisiana. He knew them well, and he believed no man knew a more honorable, upright, and better disposed people. He had, too, the honor of a personal acquaintance with the ex-governor Lossous, who the gentleman from Tennessee has thought proper to charge with malfeasance in office. Mr. A. could inform the gentleman from Tennessee that Governor Lossous's character never had been impeached, and is unimpeachable. As a man of honor, as a virtuous and amiable officer, he occupied high ground in Upper Louisiana, and is still remembered with affection.

Mr. A. repeated that the statement of the gentleman from Tennessee was erroneous in all its parts, and intended to prejudice the rights of a meritorious class of claimants. He hoped the course would not be sustained by the House.

Mr. POLK moved the previous question; which prevailed, and cut off the amendment.

Mr. WILLIAMS and Mr. MANN (of New York) were in favor of postponing the further consideration of the report of the commissioners until the next session. They had not investigated the claims embraced in it; and Mr. PLUMMER ardently advocated the amendment; Mr. HAMER also speaking on the same side.

The question was then put on concurring with the Senate in their disagreement to the amendment, and it was carried: so the amendment relating to the confirming land claims in Missouri was not agreed to.

The amendment in relation to the compensation of officers of the customs, was read.

Mr. VANCE opposed the amendment, and it was supported by Messrs. SUTHERLAND, PHILLIPS, and PINCKNEY; when it was concurred in.

Mr. McKINLEY moved an amendment making an additional appropriation for the pay of the naval officers, in pursuance of the late act of Congress; which was agreed to.

Various amendments were concurred in without opposition.

The bill was then laid aside.

INDIAN ANNUITIES BILL.

The committee next took up the amendments of the Senate to the bill making appropriations for Indian annuities, and other similar objects, for the year 1835.

The amendment in relation to patents for lands reserved was non-concurred in.

Mr. POLK gave a brief explanation of the appropriation of $1,032,000 provided for under the treaty of Chicago, with various Indian tribes, in 1832. The Committee of Ways and Means had given the subject a most rigid examination.

Mr. LOVE said he had given this subject a most rigid examination also; and he was well convinced that, if the House was in possession of all the facts they would never adopt it. He was well convinced that frauds existed, not on the part of persons in Washington, which should induce its rejection. The Indians had, to say the least of it, made a good bargain, and they might wait another year. He would not vote for so large an appropriation as a million and thirty odd thousand dollars, brought forward for the first time on the last day of the session. Mr. L. then moved to non-concur with so much of the Senate's amendment as provided for the removal of the Indians beyond the Mississippi.

Mr. POLK again explained, by making a reference to the various treaties. The Committee of Ways and Means had taken up each item *seriatim*, and compared it with the provisions of the treaties. He was himself indisposed to recommend so large a sum; but, after a most careful examination, he was convinced the sum was proper.

The amendment was then agreed to.

Mr. McKINLEY moved an additional item of $810 for a Mrs. Mitchell, for teaching Indians. Agreed to.

The bill was then laid aside.

FORTIFICATION BILL.

The House then took up the fortification bill, and the question being on concurring with an amendment made in committee, proposing the appropriation of three millions of dollars, to be expended, in whole or in part, under the direction of the President of the United States, in increasing the military and naval service, including ordnance, fortifications, and increase of the navy, if, in his opinion, the state of the country shall require it,

Mr. HIESTER demanded the yeas and nays; which were ordered, and being taken, resulted as follows: Yeas 107, nays 75.

LIGHTHOUSE BILL.

The committee then took up the bill making appropriations for lighthouses, lightboats, buoys, &c., for the year 1835.

Mr. SUTHERLAND moved to concur in all the amendments of the Senate. Agreed to.

Mr. ASHLEY moved an amendment for the improvement of the harbor of St. Louis, $20,000; but subsequently withdrew it, in consequence of a bill containing the same provision being before the Senate.

On motion of Mr. POLK, the committee then rose, and the bills and amendments were severally reported to the House.

GENERAL APPROPRIATION BILL.

The general appropriation bill was then taken up.

Mr. POLK moved to concur with the Committee of the Whole in the amendments.

Objection being made, the amendments were taken up *seriatim*.

The amendment of the Senate, in relation to the appropriation for the salary of a minister to Great Britain, was read.

Mr. WILDE asked for the yeas and nays on this amendment; which were ordered.

Mr. EVANS moved to amend the amendment of the Senate, so as to provide that the appropriation should not be applied unless a minister should be first appointed by and with the advice and consent of the Senate; which was disagreed to.

Mr. J. Q. ADAMS said this amendment proposed to introduce a new principle. The President had heretofore uniformly appointed foreign ministers of all grades, when he deemed such appointments necessary. This was a most important and necessary power reserved to him under the constitution. The amendment was an assumption, on the part of the Senate, that a minister should not be appointed without the consent of that body. This, if adopted, would be one of the most pernicious alterations which the constitution could endure. It was one among other instances of an attempt to alter the constitution in an appropriation bill. If this principle should be adopted, we should have other amendments of the constitution introduced in a similar way, and the President might be compelled, in consequence, to veto the general appropriation bill. It was incumbent upon the House to prevent any encroachments of the Executive upon the prerogatives of the Senate. In like manner, the House was bound to resist the encroachments of the Senate upon the constitutional powers of the Executive. It was also the province of the Senate to check and control the action of this House, which was quite as likely as the other branch, he would not say now, but in other times, to infringe upon the just rights of the Executive. The constitution provided three powers, who were to co-operate together in the management of the public affairs. They formed checks upon each other, and were so constituted that when one of the three attempted to transcend its constitutional sphere, the other two would interfere to prevent it.

In conclusion, Mr. A. said that the amendment of the Senate proposed to introduce a principle which was contrary to the practice of the Government from its commencement. Every President, from Washington down, had pursued a different practice from that proposed in the amendment. It was true, the Senate did not assume directly to declare that a minister should not be appointed by the President, unless previously confirmed by that body; but the means of such appointment were withheld, and the Senate had determined not to pay a minister unless appointed according to the terms of their proviso. He hoped the House would disagree to the amendment of the Senate.

Mr. BARRINGER said he was opposed to the amendment of the Senate, and should vote against it. He believed the President had the power of appointment during a recess, where a vacancy occurred in that recess, and he held that it made little difference whether he were a chargé or a minister. The President might equally take upon himself to increase the pay, or to appoint a minister plenipotentiary instead of a chargé, or *vice versa*, during the recess. Mr. B. did not concur with the gentleman from Massachusetts [Mr. Adams] in his reasoning, although he said he should concur with him in the vote he intended to give. He (Mr. B.) denied the right of the President of the United States, upon former practice or precedent, to appoint a minister during the recess, when the vacancy originated, or existed during the session of the Senate, and the President might have nominated. He was aware that it was a contested question, as long ago as under the first administration of this Government. But one practice had been generally recognised, that of consulting with the Senate whether they would agree to institute diplomatic relations with any country. It was so during the administrations of Washington and the elder Adams, even down to the time of Mr. Jefferson. The President never presumed, until after the administration of the last, to open diplomatic relations with a country without first advising with the Senate. Mr. B. said he should vote for the appropriation. The question was taken by yeas and nays, and resulted as follows: Yeas 114, nays 48.

So the House concurred with the amendment of the Committee of the Whole, and disagreed to the Senate's amendment.

Mr. JARVIS renewed his amendments, offered in committee, embracing appropriations for the Capitol, the President's house, and the Departments. Agreed to.

On the Senate's amendment appropriating $40,000 for preparing, printing, and binding, public documents, under the act of 1832, a motion was made to disagree; and Mr. HAWES demanded tellers, and the amendment was disagreed to: Ayes 58, noes 81.

Some conversation arose on the Senate's amendment, appropriating the sum of $10,800 for printing and binding the documents relating to the public lands, and the accompanying maps, by the printer to the Senate.

Mr. PLUMMER, Mr. EVANS, and Mr. PINCKNEY, spoke briefly in support of it, and Mr. PARKS in opposition.

The amendment was agreed to without a division.

Mr. PARKER asked for the yeas and nays on the Senate's amendment granting 650,000 acres of land for the satisfaction of military bounty land warrants; but they were not ordered: Yeas 23, nays 115—not one fifth.

The question on the adoption of the amendment was taken by tellers, and decided in the affirmative: Ayes 87, noes 56.

The amendment relative to the Missouri land claims having been read,

Mr. R. M. JOHNSON renewed an amendment he had offered in Committee of the Whole.

Mr. CAVE JOHNSON hoped the House would not agree to the original amendment, and that the claims should be referred to the Secretary of the Treasury.

Mr. ASHLEY advocated the justice of these claims. He believed there were not more than three or four that would not obtain a favorable decision in the Supreme Court. They had been before the Secretary of the Treasury ever since last June, and he had refused to adjudicate upon them. He denied that those claims were founded on fraud.

Mr. MANN, of New York, was disposed to place confidence in the chairman of the Committee on Private Land Claims, [Mr. Cave Johnson,] and, in the absence of more direct information on the subject, he should vote against the amendment.

Mr. PLUMMER hoped the House would not give the amendment the go-by, for it was a proposition founded on justice, and ought to be adopted.

Mr. HAMER thought these claims should be confirmed.

Mr. CAVE JOHNSON again spoke in opposition to the amendment. The claims required more investigation than it was possible for the Secretary of the Treasury to give them. He knew the grossest frauds and perjury would be found to exist in relation to a number of these claims.

Mr. WILLIAMS said it was impossible to go into a legal adjudication of claims at that late hour, and the better way would be to let the subject lie over to another Congress.

Mr. ASHLEY again advocated the claims, and defended the character of the claimants.

Mr. WILLIAMS again expressed a hope that the subject should be left to a future session.

Mr. POLK demanded the previous question, and explained that he did so from a wish to save the bill, if possible.

The previous question was seconded, and the main question ordered to be put.

The question was then put, and the amendment of the Senate was disagreed to without a division.

The amendment in relation to the pay of custom-house officers was concurred in: Yeas 81, nays 49.

The amendment making an appropriation for printing 5,000 copies of the report of the select committee on the West Point Academy was agreed to.

INDIAN ANNUITIES BILL.

The House next proceeded to consider the amendments reported by the committee to the bill making appropriations for Indian annuities, &c., for 1835.

The amendments made in committee to the Senate's amendments were concurred in.

A portion of the amendments of the Senate were concurred in, and others were disagreed to.

The amendment of the Senate appropriating one million and thirty-two thousand dollars for carrying into effect certain Indian treaties, made at Chicago, in September, 1832, was read.

This item was opposed by Messrs. LOVE, VINTON, and H. EVERETT; and supported by Messrs. POLK, BEARDSLEY, and GILMER.

Mr. STEWART moved the previous question; which was seconded and agreed to.

The amendment of the Senate was then concurred in: Yeas 93, nays not counted.

FORTIFICATION BILL.

The bill making appropriations for certain fortifications already commenced, was taken up.

A portion of the amendments adopted in the committee to the Senate's amendments were concurred in.

The amendment of the Senate appropriating $75,000 for the repair of the fortifications in Boston harbor was read.

The question being on the amendment to this item, adopted in committee, appropriating $3,000,000, to be expended by the President, in the recess of Congress, if he should deem it expedient, for the military and naval service, including fortifications, ordnance, &c.

Mr. HIESTER demanded the yeas and nays; which were ordered, and were as follows:

Yeas—Messrs. John Quincy Adams, J. Adams, J. J. Allen, William Allen, Beale, Bean, Beardsley, Beaumont, Bockee, Brown, Bull, Bunch, Bynum, Cage, Cambreleng, Carmichael, Casey, Chaney, Samuel

Clark, Connor, Coulter, Cramer, Day, Denny, Dickerson, Dickinson, Dunlap, Horace Everett, Forester, William K. Fuller, Fulton, Galbraith, Gillet, Graham, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, James Harper, Harrison, Hawkins, Hawes, Heath, Howell, Hubbard, Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Kavanagh, Kilgore, Kinnard, Lane, Lansing, L. Lea, T. Lee, Love, Lucas, Lyon, Lytle, Abijah Mann, Manning, John Y. Mason, May, McIntire, McKay, McKim, McKinley, McLene, McVean, Miller, Milligan, Henry Mitchell, Robert Mitchell, Moore, Muhlenberg, Murphy, Osgood, Parks, Parker, Patterson, D. J. Pearce, Peyton, F. Pierce, Pierson, Plummer, Polk, Reynolds, Schenck, Schley, Shinn, Speight, Steele, Stewart, Sutherland, William Taylor, F. Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, White, Wise—109.

Nays—Messrs. H. Allen, C. Allan, Ashley, Barringer, Bates, Beaty, Bell, Bouldin, Briggs, Campbell, Chambers, Chinn, Claiborne, W. Clark, Clowney, Corwin, Crane, Darlington, A. Davis, Davenport, Deberry, Dickson, Evans, E. Everett, Ewing, Felder, Fillmore, Foster, P. C. Fuller, Gamble, Garland, Gholson, Gilmer, Gordon, Gorham, Grennell, Griffin, H. Hall, Hard, Hardin, Hazeltine, Hiester, W. Jackson, W. C. Johnson, H. Johnson King, Lewis, Lincoln, Martindale, Marshall, McKennan, Mercer, Miner, Patton, Phillips, Pickens, Pinckney, Potts, Ramsay, Reed, Rencher, Robertson, W. B. Shepard, A. H. Shepperd, Slade, Spangler, W. P. Taylor, P. Thomas, Trumbull, Tweedy, Vance, Vinton, Watmough, E. Whittlesey, Williams, Wilson, Young—77.

So the amendment to the amendment was agreed to.

The amendment of the Senate, as amended, was then concurred in.

The bill making appropriations for light-boats, buoys, monuments, &c., was taken up.

The amendments of the Senate (which had been agreed to in committee) were concurred in.

THANKS TO THE SPEAKER.

Mr. E. WHITTLESEY submitted the following resolution, which was unanimously agreed to:

Resolved, That the thanks of this House be presented to the honorable John Bell, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties of the Chair.

BRANCHES OF THE MINT.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr Speight in the chair,) on various bills from the Senate, &c.

The first bill considered was, "an act to establish branches of the mint of the United States."

Mr. C. P. WHITE moved an amendment establishing a branch at the city of New York.

Mr. McKINLEY said he was favorably disposed towards the amendment, but it was evident it could not be sanctioned by the Senate at this late hour.

Mr. CAMBRELENG advocated the amendment.

The amendment was lost, and the bill was laid aside.

The committee next took up and considered the bill for the continuation of the Cumberland road in Ohio, Indiana, and Illinois; which was laid aside.

JUDICIAL CIRCUITS.

The committee then took up the bill entitled an act supplementary to the act entitled an act to amend the judicial system of the United States.

[The provisions of this bill, are these: It provides for consolidating the circuit composed of New Jersey and Pennsylvania with that composed of Delaware and Maryland, and requiring Judge Baldwin to hold the circuit courts in the Delaware and Maryland circuit, so as to obviate the necessity of appointing a judge of the Supreme Court in that circuit, and thereby to extend the circuit system to the Western States.]

Mr. HARDIN proposed an amendment to the bill, the substance of which he stated. Instead of eight circuit judges, he proposed nine. If the House would take a review of the United States, it would be evident to every one that eight judges were too few. The Supreme Court required sixty days, besides what the States of the new proposed circuit would require. The bill before the House would require above forty weeks of the undivided attention of the judge of the new circuit—more labor than any man could well perform. Besides, there was a great propriety in making the number of judges to be an odd number, similar to committees of the House, because, if they were equally divided, no adjudication could be made. Mr. H. further explained the provisions of his amendment as to the regulation of the new circuits.

Mr. ROBERTSON opposed the amendment. A similar proposition was made to that House some years ago, which was debated for three weeks, and defeated, as he feared the present bill would be.

Mr. GARLAND said, if the amendment were adopted, the bill would be defeated, as a similar one had been six or seven years ago. That bill passed the Senate, and when it came into the House was defeated by a similar amendment to the present. He urged upon the gentleman from Kentucky, [Mr. Hardin,] if he was favorable to the bill, to withdraw his amendment at once.

Mr. JOHNSON, of Louisiana, also opposed the amendment on the same ground, and called upon the committee to take the question upon it at once.

Mr. THOMAS, of Maryland, expressed his approbation of the amendment offered by the gentleman from Kentucky. It has been offered at his instance, by the Committee on the Judiciary, and had one good ingredient at least: it was calculated to accommodate the new States, without depriving one of the old thirteen of a right enjoyed since the organization of the Government. With this fact full before him, he could not feel that the two gentlemen from Louisiana displayed their accustomed liberality in urging, as they did, the passage of the bill without amendment. New Orleans doubtless needed a circuit court. From the character of the causes cognizable by the federal Judiciary, that large commercial city ought to have the boon this bill proposed to grant. This was conceded, and the zeal of the gentleman from Louisiana commended while it was displayed in behalf of that feature of this bill which secured to their constituents that which they had a right to demand, and could not but feel they were unjust towards the citizens of Maryland. If New Orleans had strong claims to the full benefit of all the courts organized to enforce the laws of the Union, surely Baltimore, one of the first commercial cities of the United States, will be cruelly outraged by the passage of this bill without amendment.

The bill, as it came from the Senate, was an act of monstrous injustice to Maryland; and that any representative of that State could stand silently by and witness this sacrifice of the rights of his constituents, was cause to him of great surprise. With what propriety could the fourth circuit be abolished? It appeared from statements furnished to the Judiciary Committee by the clerks of the several circuit courts, that in the year 1833 the circuit court was in session in Maryland eighty-four days, in Delaware six days. From the same statement we learn that similar courts sit on an average in the Virginia circuit forty-two days, and in the Georgia circuit thirty-two days, annually. There is, then, more business to transact in the 4th circuit than there is in the 5th and 6th circuits united; if either of the Atlantic circuits were, therefore, to be abolished, it would be much more reasonable to blend that of South Carolina and Georgia with Virginia and North Carolina, than to make the unnatural combination which this bill proposes. If the venerable and venerated Chief Justice was required to hold the courts of Maryland, Virginia, and North Carolina, he would be on the circuit bench 132 days, while Judge Wayne would be on the bench only 32 days in the year. The mere statement of these facts must carry conviction to the mind of every man that the true object of this bill did not appear on its face. In fact, if members would engage seriously and solely in the good work of extending the benefits of the judiciary system to the whole Union, and not in the unholy work of destroying, by indirect means, an estimable citizen, they would conclude as he had done, that Maryland needed more a separate circuit court than any State south or west of Pennsylvania, except the State of Louisiana. The States in the interior cannot long furnish many causes for the employment of the federal Judiciary. The cases now pending before State courts, in the Western States, will be found to have originated chiefly from the fact that this Government is a large landholder. Trespasses committed on the national domain, and suits instituted to enforce contracts growing out of the sale of the public lands, will constitute, doubtless, four fifths of the cases which the judges will be called on to decide in the circuit courts the bill proposes to establish in Illinois, Indiana, and Missouri. The time is rapidly approaching when such cases can no longer arise, and then the judgeships now about to be created for the benefit of these States will become mere sinecures. How different must be the condition of things in Maryland. Baltimore is a port of entry at which is collected more revenue than at all the ports of the four Southern Atlantic States. To collect this revenue, the federal courts are needed, and as its amount will increase with the rapidly augmenting business of that city, the labors of these judges will also accumulate. The maritime jurisdiction of the circuit courts, too, will afford laborious employment to judges in Baltimore, and, (through which city the citizens residing in Virginia, west of the Blue Ridge, and in Pennsylvania, on many of the tributary streams of the Susquehanna, carry on commerce with all the world,) while in the interior States named, few causes, if any, could arise under this branch of the jurisdiction of the federal courts.

Mr. T. said it was too obvious to require illustration, that the object of this bill did not appear on its face, and had not been avowed by those with whom it originated. This he would show more fully than he had attempted, when it came up for consideration in the House, when he proposed to make a few brief comments on the facts and statements with which he had now troubled the committee.

[A message was here received from the Senate, announcing that that body insisted upon their amendments to the general appropriation bill, and had appointed a committee of conference.]

Mr. POLK moved that the House insist, and that a committee of conference be appointed on the part of that House, to meet the committee of the Senate, and that the number be three. Agreed to.

The committee appointed were Mr. Polk, Mr. E. Everett, and Mr. Beardsley.

The Speaker then left the chair, and the House resumed its proceedings in Committee of the Whole on the state of the Union, on the judiciary bill.

Mr. MILLIGAN said that so much had then been intimated as to the operation of this measure upon the State he had the honor to represent, that he felt compelled, in order to avoid misconstruction, both here and at home, to claim the indulgence of the House, while he offered a word of explanation. He lamented the necessity of doing so at this particular time, and he could assure honorable gentlemen that he was too much alive to the value of the short interval which now remained for legislative action to tax their patience beyond a moment. He rose, not for the purpose of making a speech, but an explanation, and should abstain altogether from noticing the amendment just offered by the gentleman from Kentucky, [Mr. Hardin,] further than to say he hoped it might not prevail.

According to the present arrangement of the circuit courts of the United States, (said Mr. M.,) Maryland and Delaware constitute the fourth judicial circuit. The bill from the Senate, if he understood its provisions, proposed simply, so far as it related to Delaware, to incorporate that State in what was now the third circuit. It did not, therefore, as had been alleged, contemplate to withdraw from Delaware any advantage she may derive from a circuit court. No such thing. It did not even propose to abridge the number of terms, or vary the time, or alter the places of holding that court. It merely directed that a different circuit judge should preside; in other words, that, in place of coming from Maryland, he should come from Pennsylvania. How, then, could the rights or the interests of the people of Delaware be prejudiced by this bill? Should it become a law, with what justice could her citizens complain that they have been deprived of any privilege or immunity which they before enjoyed? If it really had an injurious tendency, he confessed that, with the best attention he had been able to bestow on the subject, he could not discover how that injury was to arise.

I might add, sir, (said Mr. M.,) what is well known to every man at all conversant with our local concerns in Delaware, that there is now, and that there has been for years past, very little business transacted in the federal courts in that State. Fortunately for her people, suits before that tribunal were "like angels' visits, few and far between." But if they were ever so numerous, it would not affect the case, or change his opinion as to the propriety of the measure. The doors of justice were not closed against them by the provisions of this act. On the contrary, he repeated the assertion that the same courts were still open to them--and the only difference was, that, whenever they had causes to be adjudicated, instead of being tried before a judge of a circuit called the fourth, they were to be tried before a judge of a circuit called the third. The distinction, therefore, if it existed, was one of form and not of substance.

Mr. M. said he felt fully persuaded that his constituents would rightly understand this matter, and be satisfied with the proposed arrangement--more especially so, when they heard that, without the loss of any rights of their own, they were by this act extending the advantages of the circuit court system to their fellow-citizens of the Western and Southwestern States. They would see in it also a change which, without abridging in the smallest possible degree any of the conveniences they possess for the administration of justice, would operate a saving to the nation of the salary of one judge--a matter not perhaps of great consequence by itself, but certainly important as a part of the projected reduction which we all hope to witness in a patronage now wielded for the most pernicious purposes.

Entertaining these views of the direct bearing of this measure, (Mr. M. said,) he had no hesitation in giving it his support; and he trusted that gentlemen who had magnanimously withheld their votes, under the supposition that it worked injustice to his State, would now be un-deceived. He added, that he should not have complained, and he believed the people of Delaware would not have complained, if, in the new arrangement of the judicial circuits, even the Chief Justice had been assigned to them. Far otherwise. They would have esteemed it one of the most signal pieces of good fortune that could have fallen to their lot. They behold in that venerable and illustrious individual, not merely the undiminished possession of the highest order of human intellect, but the beautiful association of every quality which renders man a blessing to his fellow-men. And if they could be allowed a wish upon this subject, it would be that his life, like his virtues, should be immortal.

Mr. CARMICHAEL said, if the amendment of the gentleman from Kentucky [Mr. Hardin] was agreed to, he would vote for the bill; otherwise, he should feel it his duty to enter into a detailed discussion of the merits of the bill. After some further remarks, he yielded the floor to

Mr. MILLER, of Pennsylvania, who suggested that it would facilitate the business of the House, if the committee should rise and report their proceedings to the House.

Mr. FILLMORE expressed a similar wish.

[Mr. Carmichael here yielded the floor, in order that the report of the joint committee of conference on the disagreement of the two Houses, in relation to amendments to the general appropriation bill, might be made.]

The Speaker having resumed the chair, Mr. POLK, from the joint committee of conference, reported that the committee had unanimously agreed to recommend to the House to recede from its disagreement to the amendment of the Senate, making appropriations for the salary of a minister to Great Britain, and secretary of legation, and that the salary of a minister to Great Britain be stricken out. This branch of the report was concurred in by the House, as also the recommendation that the House recede from its disagreement to the amendments of the Senate, making an appropriation to Samuel Slater, to Gales & Seaton, for printing Congressional documents, and making an appropriation for printing 5,000 copies of the report of the committee on the West Point Academy.

The joint committee of conference further recommended that the Senate recede from their amendments in relation to land claims in Missouri, and an appropriation for a road in Alabama.

The House then insisted upon the two latter amendments.

The House being again in Committee of the Whole, Mr. HARDIN proposed to amend the bill by striking out seven and inserting eight, as applied to the number of judges of the circuit, with several other amendments relative to its location and boundaries.

The amendments were agreed to.

Mr. THOMAS, of Maryland, said his colleague [Mr. Carmichael] had given way on the understanding that, when the bill came into the House, he should not be prevented from delivering his views on it by the motion for the previous question.

Mr. BEARDSLEY rose, he said, to propose an amendment to this bill.

FORTIFICATION BILL.

A message was here received from the Senate, and the Speaker having resumed the chair, the House took up the amendment to the fortification bill, appropriating $3,000,000, and the resolution of the Senate that it would insist on its disagreement.

Mr. GHOLSON expressed a fervent hope that the House would recede from its amendment. He was conscious that no man, woman, or child, in the United States, who had any intelligence of the matter, seriously believed that France would declare war against this country. The appropriation was, therefore, unnecessary, and the House might with propriety abandon the amendment. He moved that the House do recede.

Mr. CAMBRELENG said he trusted the House would not recede. If no measures were to be taken for the defence of the country, let the Senate take the responsibility.

Mr. GORDON was in favor of receding. The amendment was extremely objectionable. It was unparalleled in the legislative history of our country. It placed the purse and the sword both in the hands of the Executive, and made the legislative subservient to the executive power. It was but yesterday that we were told emphatically that there was to be no war with France. To-night, at the moment of adjournment, we were called upon to place the whole public treasure in the hands of the Executive, to provide for the contingencies of war.

Mr. BYNUM rose and said he hoped in God, if the House of Representatives had not lost all respect for themselves and the people whom they professed to represent on that floor, that they would not recede from the vote that they had given on that all-engrossing and important subject, to gratify the Senate in their opposition to the executive branch of this Government. It was no longer to be disguised, the fact was not to be disputed, that that body had become intoxicated with its own powers; they were not contented in attempting to curb the Executive, but it was clear, and as evident as noonday, that they were now attempting to take charge of the House of Representatives. Yes, (said Mr. B.,) they are about to take charge of the Representatives of the freemen of this nation, and he regretted, exceedingly regretted, to find that their conduct was connived at by honorable gentlemen of this House. Sir, said he, I feel indignant at the attempt, and enter my solemn protest against their taking in their custody the legislation of this House; they had already been guilty of usurping the rights of the executive department, and would now, if a stand was not taken against their conduct towards this House, usurp the entire legislation of this body, and use it as a mere creature to register their edicts.

The SPEAKER here informed Mr. B. that it was not proper to allude to the Senate by name in debate in this House; when a cry was heard, by many voices: "Proceed! Go on! Call them by another name!"

Mr. B. proceeded. He was aware that it was difficult to make any allusion to the conduct of the Senate without getting out of order, as it was against one of the rules of the House to make allusions to that body in debate, by name; he would then allude to it as the collateral branch of this Legislature. Sir, (said Mr. B.,) will any man dare to deny that the conduct of the collateral branch of this Legislature, throughout the whole of the last session, and much the greater part of this, has been to usurp the whole of the legislative and executive control of this Government? And if they were not resisted, and promptly, too, it would be idle to call this longer a republican Government, in which a majority of the freemen of this nation ruled the minority. The fact was the reverse. A minority, and a small one, too, in the other branch, was about to take the entire control of the whole Government, which was destroying virtually, and in fact, the only republican feature of this heretofore free and republican form of Government. Sir, said he, if this aggression of that madly ambitious body is not met and repelled by this House, ours is no longer a Republic; and it is false to call it so. It is virtually and in fact an aristocracy, ruled by the majority of forty-eight individuals, not directly amenable to the free people of this country for their legislative misconduct. Gentlemen might call it by another name; but he affirmed it to be as rank an aristocracy as ever ruled the destiny of any nation on the face of the globe.

But, Mr. Speaker, (said Mr. B.,) I feel mortified, yes, sir, deeply mortified, at the conduct of the two honorable gentlemen from Virginia, [Messrs. Gholson and Gordon.] Sir, I did not expect such a course from gentlemen of that State, heretofore so much distinguished for her chivalry, devotion to the untrammelled republican institutions of this country, and disinterested patriotism. He had expected a different course from honorable gentlemen. But he had now found, to gratify their spleen towards the Executive, that patriotism, and love of country, and sacred regard for our republican institutions, all, all were to be sacrificed at the relentless shrine of party malice.

[Mr. Gholson here rose and asked his honorable friend from North Carolina if he would give way a moment for him to explain.

Certainly, said Mr. B.

Mr. Gholson proceeded to show that it had not been his intention to make a party question of it; the honorable gentleman was grossly mistaken if he thought that he had been influenced at all by party feelings in the course that he had felt it his duty to pursue on that occasion; but that he had no idea of placing in the hands of the President three millions of dollars, to use as he thought proper.]

Mr. Bynum continued. He understood the course perfectly well that honorable gentlemen were disposed to pursue on the occasion; he could not be deceived in that, and he was equally determined to speak of it freely and fearlessly. The two honorable gentlemen from Virginia had expressed horror at the idea of trusting the President with three millions of dollars. He had not the least doubt there were those that were unwilling to intrust him with the paltry sum of ten dollars; ay, sir, with three millions of cents. Yet the great majority of this nation had intrusted him with the rights, liberties, and lives, of fourteen millions of souls; with the whole revenue (in certain respects) of this great and growing nation.

The American people had trusted him with all that was near and dear to freemen; nor had he, as yet, betrayed that trust; but, on the contrary, had realized the most sanguine expectations of those who had placed him in that high and responsible station. He did not expect that those who had ever opposed him, and who never had had confidence in either his capacity or integrity, were willing to trust him with the amount that it had been proposed to place at his discretion to use for the benefit of the nation, if he thought it necessary, and if we should be unfortunately forced into a war with France. He had every confidence himself in the President, and entertained the most sanguine opinion that, were we to place ten or one hundred millions of dollars in his hands, not one cent would be used, unless the exigencies of the nation required it. Had the President not the confidence of the nation, he never could have been placed where he was; and he occupied the identical station that he now did for the especial reason of his possessing the confidence of the great body of the people who had, with overwhelming majorities, given him their suffrages. He was the only individual whom they had selected to superintend their interest in the execution of their laws in the recesses of the legislative branches of Congress; and how was he to effect this, if the necessary means were not placed in his hands by the legislative departments? He knew full well if any calamity should happen to the nation, it would be immediately laid at the door of the President; yet gentlemen were willing to unite with the opposite branch of this Congress, and withhold the very means which was almost indispensable to protect the nation and the rights and interests of our citizens. He had not the least doubt, and he expected few had the hardihood to deny the fact, that there were many in another legislative branch whose name he would not call, for fear of being out of order, at present, who would most willingly see the interest of the American nation sacrificed, and our flag tarnished for ever, if, by effecting it, they could disgrace and degrade the name of the President of these United States, and that body of the people who had so signally and triumphantly sustained him.

Yes, sir, continued Mr. B., to effect this, I believe there are those who would willingly see a French flag floating and waving in triumph over the splendid walls of this great and magnificent edifice. Upon this question there were but two parties. They were the American and the French party; and gentlemen, let them attempt to trim and shuffle as they choose, would have to meet it in the end as such. He had seen, much to his mortification, attempts made to make this an administration and an anti-administration question. No true-hearted American would view it as such. All parties were ready to admit that we were in the right—both friend and foe had so declared; and who was so base as not to stand by his country when in the right? Such was the character of the American people. They were emphatically for their country, right or wrong. He did not believe that our brave countrymen would ever stop to inquire what party is to be put up, and what to be put down, when a proud enemy had invaded our soil.

After taking the step that had been taken by this House, in voting unanimously to sustain and stand by the treaty of the 4th of July, 1831, now to refuse the least indication to maintain it, did appear most clearly to him a most extraordinary inconsistency, not to call it by a more appropriate name; and he could not believe gentlemen to have been in earnest, who had supported the one, while they were now willing to deny the other. All he asked of gentlemen was to act in good faith, and to carry out their professions by their actions.

If the opposition persisted in making this an administration and anti-administration measure, he thought the administration party had nothing to fear on that score, and the opposition would be promptly met before the people or elsewhere. He thought there was patriotism enough in all portions of the country, to stand by her when her soil was threatened, and her rights and honor had been assailed by a proud, haughty, foreign foe; and he could not believe that it would be received by the free and brave men of this country as an adequate apology for the sacrificing of her interest, that it was done through hatred and hostility towards your Executive. No, sir, the people will require, said he, a very different answer from their Representatives here; and should the opposite branch of this national Legislature continue to thwart the views of the majority of this nation, I am for making them responsible for it before the whole American people, whose rights, interest, and honor, they have sacrificed to gratify personal ambition and factious spleen. There, sir, I, as an American citizen, will arraign them, and expose, as far as my feeble capacity will justify me, their attempts to usurp executive rule, and the entire control of this branch of the legislative department. Sir, (said Mr. B.,) I feel indignant at the rapid strides that that department is now making against the free republican form of this Government, by attempting to usurp and control both the executive and this branch of the Government of the country; and I feel more indignant that it has been so long connived at and acquiesced in by honorable gentlemen of this House.

If they are to take the whole charge of the legislative and executive action of the Government, let us at once inform our constituents of the fact, and recommend to them to dispense with the agency of this body and the Executive, as being useless and unnecessary. But, sir, for one, I will ever protest against any body's attempting to coerce this House in the adoption or rejection of any measure, whether it be attempted by the collateral branch of this Legislature, the executive or the judicial department of the Government.

Mr. B. reiterated that he sincerely hoped the House would not recoil from the vote they had given on that great and important subject. He implored them, for the dignity and honor of their representative character, not to be coerced into any or out of any measure that they deemed it their duty to pursue. He hoped that they would show and maintain a becoming respect for their own decisions, and would not consent to sit here merely to register the edicts and measures of another body, that had manifested a disposition to treat them, almost upon all occasions, with scorn and contempt. He had much rather that the whole bill should be lost, than to yield the independence of that body to any power on earth. He had long been taught to believe that the purity, permanency, and independence of our free republican form of government, depended almost entirely on the perfect independence of each of the great departments, the legislative, executive, and judicial, each of the other; but it was too plain to be contradicted, that it was attempted, on the part of one of these departments, to usurp in their own hands all of the efficient powers that properly belonged to the others.

He could never be brought to sanction such a state of things, by quietly sitting by, and not raising his feeble voice against it. One of the honorable members from Virginia once more raised the hue and cry about the "purse and the sword;" he really had thought that was too stale to be used at this time before any intelligent, respectable people. The object of such stuff had long since been exposed, and could only now dupe and delude the most ignorant part of the community. He was astonished to find how much gentlemen on this floor had undervalued the intelligence and independent spirit of the honest, plain people of the country—they could not, in his honest judgment, and would not, be so easily played upon by mere professions and tricks of gentlemen here. They will look, as a test of gentlemen's fidelity here, at their actions; and by them we shall all have to be judged, by a just and intelligent people. They cannot be much longer imposed upon by gentlemen professing one thing, and, as soon as they are out of sight, acting another. Sir, said he, such a course of conduct has involved this country in the very difficulties under which it now labors. Let the people correct these evils, and we are again the happiest and freest people on the globe.

Mr. WISE said he agreed with his colleague, [Mr. Gholson,] that this was no pitiful administration or anti-administration question. It was a national question, and, in that view, he, for one, had voted for it. But Mr. W. said he rose more especially to notice a remark of another colleague, [Mr. Gordon,] who had said this amendment vested legislative powers in the Executive; that it unites the purse with the sword. This position he denied. He asked how we were situated at the commencement of the last war with Great Britain? Was not the same cry then heard? And how did we then find ourselves prepared for the emergency? He defied the gentleman, as a lawyer—a constitutional lawyer—to show in what respect the legislative power was placed in the hands of the Executive. Mr. W. said he was as much opposed as his honorable colleague could be to the overweening and all-grasping tendency of executive power. He did not distinctly recollect whether his colleague [Mr. Gordon] voted for the "peace resolution" of his other colleague, [Mr. Archer.] Mr. W. said for himself he could say he did vote for it. But he believed in the propriety of in peace preparing for war. He did believe there absolutely existed a danger—a prospect of war; and, in the event of its occurrence, every fortification on your coast was liable to fall into the hands of a strong maritime Power. He wished to give his constituents information; and he regretted that he was compelled to use the time of that House to tell them that such was the danger in which their interests stood. He believed the appropriation to be politic and necessary, and he would adhere to it.

Mr. McKENNAN here moved the previous question; which was seconded.

The main question was then put on the motion of Mr. Gholson to recede from the amendment of the House appropriating $3,000,000 for the support of fortifications, and taken by yeas and nays, as follows:

Yeas—Messrs. John Quincy Adams, Heman Allen, Chilton Allan, Archer, Ashley, Barber, Barnitz, Barringer, Beaty, Bouldin, Campbell, Chambers, Chinn, Claiborne, William Clark, Clowney, Corwin, Crane, Crockett, Darlington, Davis, Davenport, Deberry, Dickson, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foster, Philo C. Fuller, Gamble, Garland, Gholson, Gilmer, Gordon, Graham, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Hiester, William Jackson, William C. Johnson, Henry Johnson, Seaborn Jones, King, Lay, Letcher, Lewis, Lincoln, Martindale, Marshall, McKay, McKennan, Mercer, Milligan, Miner, Patton, Phillips, Pickens, Pinckney, Potts, Ramsay, Reed, Rencher, Robertson, William B. Shepard, Spangler, Steele, Stewart, William P. Taylor, Philemon Thomas, Trumbull, Tweedy, Vance, Vinton, Watmough, Elisha Whittlesey, Wilde, Williams, Wilson, Young—87.

Nays—Messrs. John Adams, John J. Allen, William Allen, Anthony, Beale, Bean, Beardsley, Beaumont, Blair, Bockee, Boon, Bull, Burns, Bynum, Cage, Cambreleng, Carmichael, Carr, Casey, Samuel Clark, Clay, Connor, Coulter, Cramer, Day, Dunlap, Forester, William K. Fuller, Fulton, Galbraith, Gillet, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Howell, Hubbard, Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Kavanagh, Kilgore, Kinnard, Lane, Lansing, Luke Lea, Thomas Lee, Love, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Manning, Mardis, John Y. Mason, Moses Mason, May, McCarty, McIntire, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Moore, Muhlenberg, Murphy, Osgood, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Reynolds, Schenck, Schley, Augustine H. Shepperd, Shinn, Smith, Speight, Standefer, Sutherland, William Taylor, Francis Thomas, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Wardwell, Webster, White, Wise—110.

So the House refused to recede from its amendment.

JUDICIAL CIRCUITS.

The House went again into committee on the judiciary bill.

Mr. BEARDSLEY sent an amendment to the Chair, being an additional section to the bill, providing for certain alterations in the circuit of New York, and making it the second circuit; also, that the places of holding the same should be at Albany and Utica.

Mr. B. gave a brief explanation of the reasons which had induced him to prepare this amendment. The northern district of New York had now nothing more than one district court, and an extension was greatly desired. It might be inquired, what were the population and business that the proposed circuit embraced. It contained twelve or fourteen hundred thousand inhabitants, who employed as much capital as any other region of the same size in the country. The bill provided for the erection of two new circuit courts in the Western country—a measure of which Mr. B. was decidedly in favor. The first of these two circuits comprised the States of Missouri, Indiana, and Illinois. These three States were represented by twelve members in that House—less than one half of the delegation to Congress from the northern district of New York. The second circuit was intended to embrace Louisiana, Alabama, and Mississippi, who were there represented by nine members, and all of which were considerably less in population than one half of the northern district of New York. In all these States, and throughout the whole region of country, they already enjoyed all the benefits of the judicial system. Mr. B. appealed to his Western friends, that while they were anxious, and justly so, to obtain so desirable a matter for themselves, they would not be unmindful of the claims of so large a section of country as that for which he was now advocating.

Mr. **FILLMORE** begged leave to suggest to his honorable colleague to make one of the places of holding the court farther west. Utica was nearly four hundred miles from the western part of the State of New York; and Albany was still further objectionable, from the same ground. Mr. F. would suggest Rochester or Buffalo. He moved to strike out Albany, and insert Buffalo.

Mr. **BEARDSLEY** explained, that he had inserted Albany, because it was the capital of the State; and Utica already had one term a year, and it would be better to continue it there. Personally, he would say, he had no objection to the amendment, but he was convinced the public benefit would be better consulted by fixing it as he had done, and he hoped the amendment would not be adopted.

Mr. **FOSTER** wished to remind gentlemen that there was one hour and three quarters remaining of the session, and he hoped further discussion would be dropped.

Mr. **FILLMORE** said the bill proposed to establish two circuits within one hundred miles of each other and leave other and not less important parts of the State at a distance of four hundred miles.

Mr. Fillmore's amendment was adopted without a division.

Mr. Beardsley's amendment, as amended, was also adopted: Yeas 80, nays 46.

The bill, as amended, was then laid aside; and the committee took up and considered the following bills:

A bill to increase the engineer corps.

A bill for the relief of David Beard. The amendment to this was agreed to.

A bill relative to accounts of our consul at London.

A bill to continue the subsistence department.

A bill for the relief of the corporations of Washington, Alexandria, and Georgetown.

All which bills were severally agreed to, and laid aside to be reported to the House.

The committee then took up the bill to carry into effect the convention with Spain.

The question was on concurring with the Senate in their amendment to this bill.

Mr. **CAMBRELENG** explained that the character of the bill had been materially changed by the amendment.

The amendment was concurred in.

The committee then rose, and the chairman (Mr. Speight) reported the foregoing bills to the House.

BRANCHES OF THE MINT.

The bill from the Senate to establish branches of the mint of the United States, was read a third time and passed, by yeas and nays, as follows:

Yeas—Messrs. J. Q. Adams, John Adams, John J. Allen, William Allen, Ashley, Barnitz, Barringer, Beale, Bean Beardsley, Beaumont, Blair, Bockee, Boon, Bouldin, Bull, Bunch, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Clay, Connor, Corwin, Cramer, Crockett, Darlington, Day, Deberry, Dunlap, Forester, Foster, William K. Fuller, Fulton, Gamble, Garland, Gholson, Gillet, Gilmer, Graham, Thomas H. Hall, Halsey, Hamer, Hannegan, Hard, Harrison, Hathaway, Hawkins, Henderson, Hiester, Howell, Huntington, Richard M. Johnson, Henry Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kilgore, Kinnard, Lane, Lewis, Lucas, Lyon, Lytle, Abijah Mann, Mardis, John Y. Mason, May, McKay, McKim, McKinley, Henry Mitchell, Moore, Muhlenberg, Murphy, Parks, Parker, Patton, Patterson, D. J. Pearce, Peyton, Pickens, Pierson, Pinckney, Polk, Rencher, Reynolds, Schenck, Schley, Wm. B. Sheppard, Augustine H. Shepperd, Shinn, Spangler, Speight, Standefer, Stewart, Stoddert, William P. Taylor, F. Thomas, P. Thomas, Turner, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, White, Elisha Whittlesey, Williams, Wilson, Wise—115.

Nays—Messrs. Heman Allen, Barber, Beaty, Briggs, Chambers, W. Clark, Coulter, Crane, Davenport, Dickson, Evans, E. Everett, H. Everett, Ferris, Fillmore, P. C. Fuller, Galbraith, Gordon, Grennell, Griffin, J. Hall, H. Hall, Hardin, Joseph M. Harper, James Harper, Hazeltine, Hubbard, William Jackson, Jarvis, W. C. Johnson, Noadiah Johnson, King, Lansing, Letcher, Lincoln, Love, J. K. Mann, Manning, Marshall, Moses Mason, McCarty, McIntire, McKennan, McLene, Mercer, Milligan, Miner, Robert Mitchell, Osgood, F. Pierce, Plummer, Ramsay, Slade, Smith, Trumbull, Tweedy, Vance, Vinton, Fred. Whittlesey, Young—60.

FORTIFICATION BILL.

A message to the following effect was received from the Senate:

The Senate adhere to their disagreement to the amendment of the House to the bill making appropriations for certain fortifications, appropriating three millions of dollars, &c.

Mr. **CAMBRELENG** moved that the House adhere to the amendment.

Mr. **MERCER** moved that the House recede from the amendment; which motion, he said, was first in order.

Mr. **POLK** said the motion to adhere had priority to the other.

The **CHAIR** decided that the question must be first taken on the motion to recede.

Mr. **A. H. SHEPPERD** said, if the House adhered, there could be no further intercourse with the Senate on the subject. If it was in order, he would move that the House insist, and ask a conference with the Senate.

Mr. **LYTLE** objected entirely, he said, to any conciliatory proposition. The House had gone as far as prudence and patriotism would justify them in going to conciliate the Senate. The only question was, where the responsibility of the loss of the bill should lodge. Let it be with that body which is determined to act, not only against the spirit of the executive recommendation, but against this House as the representatives of the people. This body, which was intimately connected with the people, and might be supposed to represent their sentiments, had unanimously agreed to a declaration which would honor and distinguish this House in all time. We have (said Mr. L.) gone further, and put the seal on our professions by making an appropriation of three millions. Let the other body now take the the responsibility of defeating it; that body which was already groaning under the weight of a responsibility which it cannot much longer sustain.

[Order! order! was vociferated from every part of the House.]

Mr. LYTLE. What are the exceptionable words?

Mr. MERCER. I will repeat them. The gentleman says, the Senate of the United States is groaning under the weight, &c.

Mr. LYTLE. I said no such thing. I said the other body.

Mr. MERCER appealed to the Chair to decide whether the words were in order.

The CHAIR decided that the gentleman was not in order in alluding to the proceedings of the "other body."

Mr. LYTLE. I have heard the allusion made here a thousand times, without interruption from the Chair or the House.

The CHAIR. The gentleman can make use of no language which is likely to lead to an interruption of harmony between the two Houses.

Mr. LYTLE proceeded. He had not, he said, departed from the courtesy due to the other body. All he had to say was, that he wished the responsibility to abide in the proper place. The House had sustained the sense and spirit of the message of the President, the wisdom and policy of which had been verified by events. But, sir, another body has placed itself in opposition to the views of the Executive, and is now heaping upon itself a responsibility which I unequivocally declare it cannot sustain.

[Cries of order! order!]

This House will have its full share of the glory attending the successful termination of the controversy with France, and the gentleman from Massachusetts will have a full share in it. The people of the country will sanction the action of this House, and award to it the glory of the action. I say, then, said Mr. Lytle, I will not depart, as a member of this body, from the elevated stand we have taken. I hold the appropriation to be the consummation of the proceedings of the last three days. It will send out to the world irresistible evidence of a national feeling on the subject, on the part of this House. It will leave no room for cavil or doubt; and, sir, the country will sustain us, while it puts the seal of its condemnation on those who resist us. If, then, the House retreats now, it will deserve to be considered as the most pusillanimous body in the world.

Mr. HAWES moved the previous question.

Mr. HUBBARD said, if the House adhered, the bill would be lost. He moved that the House appoint a committee of conference.

Mr. LEWIS said it was not the amount of the appropriation, but the principle, which was objected to by the Senate. A committee of conference might, therefore, adjust the disagreement. The manner of the appropriation was too loose. It was not specific. It put every thing into the hands of the Executive. He asked, what would be the effect of the previous question?

The CHAIR replied, only to preclude debate.

The previous question was then taken on the motion of Mr. Mercer to recede, and decided in the negative, by yeas and nays, as follows:

Yeas—Messrs. John Q. Adams, Heman Allen, Chilton Allan, Archer, Ashley, Barber, Barnitz, Barringer, Beaty, Bouldin, Briggs, Bull, Campbell, Chambers, Chinn, William Clark, Clowney, Corwin, Crane, Crockett, Darlington, Davis, Devenport, Deberry, Dickson, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foster, Philo C. Fuller, Gamble, Garland, Gholson, Gilmer, Gordon, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Hiester, William Jackson, William C. Johnson, Henry Johnson, Seaborn Jones, King, Letcher, Lewis, Lincoln, Marshall, McCarty, McKay, McKennan, Mercer, Milligan, Miner, Parker, Patton, Phillips, Pickens, Pinckney, Potts, Ramsay, Reed, Rencher, Robertson, Slade, Spangler, Steele, Stewart, William P. Taylor, Philemon Thomas, Trumbulll, Tweedy, Vance, Vinton, Watmough, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young—88.

Nays—Messrs. John Adams, John J. Allen, William Allen, Anthony, Beale, Bean, Beardsley, Beaumont, Blair, Bockee, Boon, Bunch, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Samuel Clark, Clay, Connor, Coulter, Cramer, Day, Dickerson, Dickinson, Dunlap, Ferris, Forester, William K. Fuller, Fulton, Galbraith, Gillet, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Benjamin Jones, Kavanagh, Kilgore, Kinnard, Lane, Lansing, Luke Lea, Thomas Lee, Love, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Manning, Mardis, John Y. Mason, Moses Mason, May, McIntire, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Moore, Muhlenberg, Murphy, Osgood, Parks, Patterson, D. J. Pearce, Peyton, F. Pierce, Pierson, Polk, Reynolds, Schenck, Schley, Shinn, Smith, Speight, Standefer, William Taylor, Francis Thomas, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, White, Wise—107.

Mr. HUBBARD then moved that the House insist upon their amendment, and asked a joint committee of conference.

The motion to insist was agreed to, and Messrs. Cambreleng, Lewis, and Hubbard, appointed on the part of the House.

Mr. HARDIN asked if the House was not virtually dissolved, by the expiration of the term for which this Congress was elected.

The CHAIR said it was not a question of order, and the Chair could not decide it.

CUMBERLAND ROAD BILL.

The Cumberland road bill was taken up and read a third time.

Mr. McKAY moved that a message be sent to the other House, informing them that this House, having completed its business, is ready to adjourn.

The CHAIR said the motion was not in order, the question being on the passage of the bill.

The Clerk proceeded to take the yeas and nays on the passage of the bill to continue and repair the Cumberland road, and

Mr. GILMER, when his name was called, rose and said he considered that he had no right to vote, the term for which he was elected having expired at 12 o'clock this night; and he therefore declined voting.

The question was decided in the affirmative, as follows:

Yeas—Messrs. John Quincy Adams, Chilton Allan, W. Allen, Anthony, Ashley, Barber, Barnitz, Beardsley, Beaty, Boon, Briggs, Bull, Carmichael, Carr, Casey, Chaney, Samuel Clark, William Clark, Corwin, Coulter, Cramer, Crane, Darlington, Day, Evans, Edward Everett, Horace Everett, Ewing, William K. Fuller, Galbraith, Garland, Grennell, Hiland Hall, Hannegan, Hard, James Harper, Harrison, Henderson, Hiester, Howell, Huntington, William Jackson, William C. Johnson, Richard M. Johnson, Henry Johnson, Benjamin Jones, Kilgore, King, Kinnard, Lane, Letcher, Lincoln, Love, Lucas, Lyon, Lytle, Marshall, May, McCarty, McKennan, McKim, McLene, Mercer, Miller, Milligan, Robt. Mitchell, Muhlenberg, Parker, Patterson, Dutee J. Pearce, Phillips, Potts, Reed, Reynolds, Slade, Spangler, Stewart, Sutherland, Francis Thomas, Philemon Thomas, Thomson, Turrill, Tweedy, Vance, Vanderpoel, Van Houten, Vinton, Ward, Watmough, Webster, Frederick Whittlesey, Elisha Whittlesey, Wilson, Young—94.

Nays—Messrs. John Adams, Heman Allen, Archer, Barringer, Beale, Bean, Beaumont, Blair, Bunch, Cambreleng, Campbell, Chambers, Chinn, Clay, Connor, Davenport Deberry, Dickson, Dickinson, Dunlap, Felder, Fillmore, Forester, P. C. Fuller, Fulton, Gamble, Gholson, Gillet, Gordon, Graham, Griffin, Halsey, Hardin, Joseph M. Harper, Hathaway, Hawkins, Hawes, Hazeltine, Hubbard, Inge, Jarvis, Noadiah Johnson, Seaborn Jones, Kavanagh, Luke Lea, Thomas Lee, Manning, Mardis, John Y. Mason, Moses Mason, McIntire, McKay, McKinley, McVean, Moore, Murphy, Osgood, Parks, Peyton, Pickens, Franklin Pierce, Pierson, Pinckney, Plummer, Polk, Ramsay, Rencher, Robertson, Schley, Augustine H. Shepperd, Shinn, Smith, Speight, Standefer, William Taylor, William P. Taylor, White, Wilde, Williams, Wise—80.

Mr. **MANN** rose and said it was past 12 o'clock, and the functions of this House had ceased.

Several members addressed the Chair.

Mr. **JARVIS** made a point of order. He asked whether the functions of the House had not ceased, according to the constitution and usage.

The **CHAIR** said the question could only be decided by moving an adjournment. The House must decide the question for itself.

Mr. **JARVIS.** Is it not a question of order whether the House is in existence or not?

The **CHAIR** said the gentleman was not in order.

Mr. **JARVIS** offered a resolution declaring that the functions of the House had ceased.

Mr. **CLAY** said the bill to extend the judiciary system was the business next in order.

Mr. **POLK.** I submit whether this House can transact business after 12 o'clock. The gentleman from Maine has sent to the Chair a resolution declaring that the functions of the House have ceased, and I ask for its consideration.

The **CHAIR.** If the House is in existence it must proceed by parliamentary rules, and the gentleman knows the rules of the House must be suspended in order to offer the resolution.

Mr. **JONES,** of Georgia, moved an adjournment.

Twenty members addressed the Chair at the same time; the Chair in vain attempting to preserve order.

Mr. **WARDWELL** said the House could not adjourn until they advised the Senate and the President that it was ready to adjourn.

Mr. **J. Q. ADAMS** said it was not the fact that the functions of this House ceased at 12 o'clock, according to the constitution. The constitution said not a word on the subject.

The confusion in the House increasing,

The **CHAIR** called upon members to assist him in preserving order and decorum.

Mr. **EVANS** concurred with the opinion of the gentleman from Massachusetts, and added, that it would be disrespectful to the Senate and the President to adjourn without the usual notice to them.

Mr. **JONES,** of Georgia, withdrew the motion to adjourn. Several motions for sending the usual notice to the Senate were made and withdrawn.

Mr. **J. Q. ADAMS** said, if the assertion that the House was not in existence was true, a motion could not be made.

Mr. **J. Y. MASON** said, as the House was about to separate, he hoped they would render an act of simple justice to one of its members, by passing the resolution to pay the honorable Robert P. Letcher his compensation for the last session. He moved a suspension of the rule, in order to take up the resolution. The motion was agreed to, and the resolution proposing to direct payment to Mr. Letcher for attendance at the last session was read.

Mr. **VANDERPOEL** moved to strike out the preamble; which was agreed to.

The question being on the motion of Mr. **R. M. JOHNSON** to amend the resolution by embracing the name of Thomas P. Moore,

Mr. **WILDE** moved the previous question; which was seconded, 69 to 65.

The main question was ordered, (on agreeing to pay Mr. Letcher,) and was taken by yeas and nays, when there appeared yeas 113, nays 3, (several members refusing to vote, though present, on the ground that it was past twelve o'clock.) No quorum voting, the resolution was lost.

Mr. **JARVIS** now moved an adjournment; on which question Mr. **WILDE** asked the yeas and nays; which were ordered.

The Clerk proceeded to call the names, and Mr. Beardsley and others not answering,

Mr. **GARLAND** rose to a point of order. He asked whether gentlemen were not obliged to vote one way or another, being present.

Mr. **BEARDSLEY** said he would state, for himself, that, making all reasonable allowance for variation in time, it was now considerably after one o'clock. The constitutional term of the existence of this Congress having expired, he could not vote.

Mr. **PIERCE** said the gentlemen who thought they had no right to vote had better withdraw. They had no right to be in the hall, if they had no right to vote.

The yeas and nays having been taken, there appeared yeas 15, nays 102.

So the House refused to adjourn.

The **SPEAKER,** by consent, laid before the House sundry annual communications from heads of Departments.

The **SPEAKER** also presented a communication from the Postmaster General, (Mr. Barry,) which he said he had not had time to read, and the contents of which he was therefore not able to state to the House.

Mr. **CONNOR** moved that it be laid on the table and printed.

Mr. **EVANS** said he had run his eye over the paper, and discovered that it was in the nature of an appeal to the public against the report of a committee of this House. The first sentence of the paper styled the report of that committee "an aspersion." The paper asked nothing of this House, and, on its face, professed to be an appeal to the public; and he (Mr. E.) thought this House was not the proper channel of communication between the Postmaster General and the public.

Mr. **CONNOR** said he had not read the document, but he had understood from one of his colleagues on the committee, [Mr. Beardsley,] that it was respectful in its tone and tenor. As it regarded himself, as a member of the committee animadverted upon by the Postmaster General, he would say that he was perfectly willing to afford him an opportunity to correct any error into which the committee in their report might have fallen.

Mr. **MILLER** said, if there was time, he would be glad to have the document read, in order that the House might be assured in regard to its character. But he recollected distinctly that this House ordered both the majority and minority reports of the committee on the Post Office investigation to be printed, without the reading of either. The reports contained allegations which went to implicate the Postmaster General in the charge adduced of mismanagement; and now that officer wished to make an explanation to the House. If he was correctly informed, the Postmaster General was not allowed to make any explanation before the committee, nor to be present at their deliberations. Mr. M. held that, when an investigation was going on which implicated the official character of an individual, the individual had a right to be present.

[Here Mr. M. was requested to give way, in order that the report of the committee of conference on the fortification bill might be made.]

Mr. M. said he would yield the floor to that report, if he thought the act which it proposed would be of any use to the country. But he apprehended that it would be useless. As to the communication from the Postmaster General, if the House would not take time to read it, it would, he hoped, be printed, and permitted to be sent to the country. He himself had voted for the largest number proposed to be printed of both of the reports from the Post Office Committee, and he insisted on the printing of this explanation, especially as the Postmaster General was not allowed to be present at the investigation.

[It is proper to mention here that the committee of conference, on the part of the House, had returned some time before Mr. Miller made the above remarks, and that the substance of the report was informally known to the House.]

Here a message was received from the Senate, by Mr. Lowrie, their Secretary, communicating a resolution of that body in the following words:

Resolved, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States.

Mr. CAMBRELENG said that the committee of conference of the two Houses had met, and had concurred in an amendment which was very unsatisfactory to him. It proposed an unconditional appropriation of three hundred thousand dollars for arming the fortifications, and five hundred thousand dollars for repairs of and equipping our vessels of war—an amount totally inadequate, if it should be required, and more than was necessary, if it should not be. When he came into the House from the conference, they were calling the ayes and noes on the resolution to pay the compensation due the gentleman from Kentucky, [Mr. Letcher.] He voted on that resolution, but there was no quorum voting. On a subsequent proposition to adjourn, the ayes and noes were called, and again there was no quorum voting. Under such circumstances, and at two o'clock in the morning, he did not feel authorized to present to the House an appropriation of eight hundred thousand dollars. He regretted the loss, not only of the appropriation for the defence of the country, but of the whole fortification bill; but let the responsibility fall where it ought—on the Senate of the United States. The House had discharged its duty to the country. It had sent the fortification bill to the Senate with an additional appropriation, entirely for the defence of the country. The Senate had rejected that appropriation, without even deigning to propose any amendment whatever, either in form or amount. The House sent it a second time, and a second time no amendment was proposed, but the reverse; the Senate adhered, without condescending to ask even a conference. Had that body asked a conference in the first instance, some provision would have been made for defence, and the fortification bill would have been saved before the hour arrived which terminated the existence of the present House of Representatives. As it was, the committees did not concur till this House had ceased to exist—the ayes and noes had been twice taken without a quorum—the bill was evidently lost, and the Senate must take the responsibility of leaving the country defenceless. He could not feel authorized to report the bill to the House, situated as it was, and at this hour in the morning, but if any other member of the committee of conference proposed to do it, he should make no objection, though he believed such a proposition utterly ineffectual at this hour; for no member could, at this hour in the morning, be compelled to vote.

Mr. LEWIS (another member of the committee of conference) took the report from Mr. Cambreleng, with the apparent intention of offering it to the House. But he first asked the Chair whether there was a quorum present or not.

The CHAIR, to ascertain whether there was a quorum, asked the members to pass through tellers.

The tellers reported 113 members.

The CHAIR, upon the suggestion of a member, counted the members visible in the hall, and reported that he could count no more than 114.

Mr. FILLMORE moved an adjournment; but afterwards withdrew the motion.

Mr. CARMICHAEL renewed the motion to adjourn.

Mr. WILDE asked the yeas and nays on the motion, and they were ordered.

The question was then taken on the motion, and decided in the negative: Yeas 35, nays 76. So the House refused to adjourn.

Mr. SMITH moved that a message be sent to the Senate, informing that body that the House, having completed its business, was ready to adjourn.

Mr. WILDE asked the gentleman from Maine to withdraw the motion. He was certain, he said, that there was a quorum present, and he wished once more to give the House an opportunity to pass the resolution for paying Mr. Letcher. To refuse or neglect this would be the most flagrant injustice to that individual.

[Great impatience was here manifested by the House.]

Mr. MERCER remarked that he had been here as a member eighteen years, and he was ready to assure the House that the doctrine asserted to-night, that the functions of the House ceased at 12 o'clock, had no foundation in usage any more than in the constitution. It was usual for the House to act one, two, and even four hours after 12 o'clock. He adjured the House to preserve the usual forms, from motives of respect to the other branch of the Legislature, to the Executive and to the Speaker, whose ability and impartiality had this day received the unanimous and well-merited approbation of the House.

Mr. HARDIN entered into a legal argument, the purport of which was that, according to the meaning of the constitution, the existence of Congress terminated at 12 o'clock. He adduced high legal authority to prove that a man born on the 4th of March, (the day when the Government went into operation,) would be one-and-twenty on the 3d of March. [Much laughter.] The constitutional term of this Congress had, he insisted, actually expired, and all legislation here now would be a nullity.

Mr. PARKER said that the first Congress met at 10 or 11 o'clock in the morning, and our time, therefore, said he, don't end till to-morrow at 10 or 11 o'clock. He asked this question: Did the gentlemen who formed the committee on conference, on the part of the House, mean to report or not?

Mr. BRIGGS, after a few words, which the reporter, in the general tumult, could not catch, remarked that his distinguished colleague [Mr. Adams] had said, the other day, that on the 3d of March this House would be numbered with the dead. But here we were on the 4th of March, and, if we were dead, we were the most noisy dead he ever heard of.

The resolution to pay Mr. Letcher was here taken up.

Mr. MANN, of New York, called for the yeas and nays on it.

Mr. BARRINGER said as the gentleman had refused to vote, he had no right to make a motion.

Mr. MANN said he had as much right to make a motion as any gentleman on the floor.

The yeas and nays were ordered; and the question being taken, there appeared yeas 72, nays 3—no quorum.

Mr. BRIGGS moved that the House do now adjourn; but gave way to.

Mr. SMITH, who renewed his motion to send to the Senate a message, informing that body that the House, having completed its business, was ready to adjourn.

Mr. PARKER. How can we pretend to say that we have completed the business before us? and how can we adjourn without passing the fortification bill? This House had passed the bill. The Senate made a large addition to it. The House had added another appropriation. The Senate disagreed to it; a committee of conference was appointed, and that committee had refused to report to this House. Shall we go away, said he, and leave this bill, at a time when there is an apprehension of war?

Mr. PHILLIPS. What is the situation of the business of the committee of conference?

The CHAIR stated, in reply, that, as he understood, the report had been made.

Mr. LYON moved to amend the motion of the gentleman from Maine, [Mr. Smith,] so as to make it read, that the House, having no quorum, was ready to adjourn.

Mr. CAMBRELENG. There has not been a quorum for an hour or two.

Mr. REED said the committee of conference had agreed to a report, and, as a quorum was undoubtedly present, it ought to be acted upon. He was opposed to the adjournment, because the House had not yet done its duty. [Order! order!] Mr. Reed said: The proposed amendment declared what is not the fact. There is a quorum present.

Mr. LEWIS moved a call of the House.

Mr. CAMBRELENG. I protest against the right to call the House. What member will answer to his name? ["I will, I will," exclaimed many members.] I am as much in favor (said Mr. C.) of the fortification bill as is the gentleman from New Jersey; but I say that the responsibility of its failure rests upon the Senate, and not upon us. The bill was defeated by the Senate. ["No!" "no!" "not so!" was exclaimed by many voices.]

Mr. BARRINGER. The bill was defeated by an intrigue here in this House. If gentlemen desired names, Mr. B. said he would give them. But, if this was declined, he would say that there were members, who now sat in their seats, and would not answer to their names, who did so in consummation of the intrigue. Mr. B. called for tellers on the motion.

The members were requested to pass through tellers, and there appeared yeas 56, nays 26—no quorum.

Mr. J. Y. MASON informed the House that the Senate had adjourned.

The fact announced was questioned; but it being confirmed, the House agreed, on motion of Mr. BARRINGER, to adjourn.

The SPEAKER [Mr. Bell] then rose and addressed the House as follows:

Gentlemen of the House of Representatives: It is a late hour, but I hope I may be allowed one word, in acknowledgment of the many obligations I am under to this House.

Duly sensible, as I am, of the value of that testimony of respect for your presiding officer which you have this night ordered to be placed upon the journals of the House, and as much bound as I am by that compliment to express my sensibility to your kindness, I am still more solicitous, upon this occasion, the last that may offer to me, to express a yet deeper and more abiding sense of gratitude, for that continued indulgence to my faults, that marked forbearance and tenderness to my many deficiencies, which have been manifest, on your part, from the first moment I took this chair, and which have continued to be manifested up to this, the last allotted hour of the present Congress. The feelings inspired by a recollection of so much generosity I am unable adequately to express, but they shall have a place in this bosom as long as there is a pulsation there.

But this is not the extent of the obligations I am under to you, gentlemen. If the public service had suffered essentially from any defect in me, the memory of your generous indulgence would afford me but a qualified pleasure; but you have, upon every occasion, given to me, your presiding officer, liable to err and actually erring, as he often did, your firm support in his efforts to prevent the effect of what seemed to him to be error in others; and thus you reconciled your continued forbearance towards him with your duty to the public, in supporting the regularity and dignity of the proceedings of the House.

It is needless to declare to you how feeble, how utterly incompetent, the efforts of any one must be to discharge the duties of this station, without the cordial support of the members of this House. The satisfaction I derive from the reflection that I have had your cordial and necessary support is greatly heightened by two considerations—the one personal to myself, the other of a public nature. Inexperienced as I was, when the duties of the Chair were suddenly devolved upon me, I could deserve your support, in attempting to maintain the just authority and respect of the Chair, only by bringing to the discharge of its various duties a resolute determination to perform them with impartiality, and a suitable firmness and decision. However I may have failed in these purposes in particular instances, unconsciously and through the weakness of our common nature, I feel a proud satisfaction in believing that you have always duly appreciated my intentions and my desires.

But I have a yet higher gratification, founded upon the experience I have had in the chair, whatever may be the occasional disorders and intemperance incident to times highly excited by party conflicts, we have just reason to hope that there will always remain a collective, an aggregate feeling and determination in this House to forbear those extremes, those excesses, which, if indulged, would justly forfeit the respect and confidence of the country.

None will question, that whatever concerns the character and respectability of this House, as a co-ordinate branch of the legislative department of the Government, concerns likewise the interests, the very being, of free institutions, and the rights and happiness of the human family. Whether this House shall continue to hold and actually exercise its due proportion of the powers of this Government; whether it shall continue to contribute its due weight and authority in shaping the policy of this great country, and in elevating it to that high destiny which the friends of political and civil liberty in every part of the world, so devoutly desire; whether, indeed, such a destiny shall ever be ours, depends greatly upon the rank which this House shall continue to hold in the affections, the respect, and confidence, of the great body of the people.

The recollection that, while I have had the honor to fill this station, I have had your co-operation and confidence in my feeble efforts to sustain the due importance and respectability of this House will be a source of high gratification to me in the future vicissitudes of my life, whatever they may be. And now, at the moment of a separation, which, with many of us, may be permanent, I may be permitted to say that, if, upon any occasion, I have seemed to fail in that respect which is always due from the Chair to the House, and to all its members, I can, with the utmost sincerity, affirm that it was never intentional; and I beg to express my ardent wishes for the continued and uninterrupted health and happiness of every individual of which this House is composed.

The **SPEAKER** then adjourned the House, at half past three o'clock, without day.

ADDENDUM.

[The following speech was received too late for publication in its proper place, and is therefore inserted here.]

Speech of Mr. **TALLMADGE**, of New York, on EXECUTIVE PATRONAGE, delivered in the Senate of the United States, on the 20th of February, 1835.

The bill introduced by Mr. CALHOUN, to repeal the four years' law, and on the power of removal from office, being under consideration,

Mr. **TALLMADGE** said this bill is supposed to involve important constitutional principles. The whole doctrine of the power of removal from office by the Executive has been deemed, by those who have taken part in the discussion, to be embraced in its provisions. Under this impression I feel called upon to give my views, and more especially as the Senator from South Carolina [Mr. CALHOUN] challenged a refutation of the argument he advanced, but was unwilling to yield the floor to me, after the challenge had been accepted, unless I would confine myself to one insulated position. I now take the earliest opportunity to give my views on the general question, and will embrace in them a refutation of the particular argument on which that Senator relied.

Mr. President, much declamation has been indulged in by gentlemen who have advocated this bill. It has afforded them a convenient opportunity to bestow upon the present incumbent of the executive chair some of the most odious epithets which have been engendered by the violence of the times; and such, too, as would be deemed unjust and improper to apply to the worst Emperors of Rome in her most degenerate days. But, sir, it is a subject which does not admit of declamation. It calls for argument. We should endeavor, in discussing it, to divest ourselves of all considerations connected with the present incumbents of office, whether high or low. We are attempting to settle great constitutional principles; principles which cannot be changed, and which cannot yield to party violence or to temporary expedients. I know that our feelings in reference to men, on political subjects, often influence our judgments in relation to principles. But, to whatever extent this influence may be felt, it is only another evidence of the weakness of our nature. Conscious of this infirmity, our efforts should be the greater to guard against its effects. We should be controlled, on this subject, neither by prejudice nor partiality. We should put out of view those who administer the Government, and look solely to the great principles on which it ought to be administered. Whatever may the feelings of others on this occasion, I hope to soar above the atmosphere of prejudice, and to breathe the pure air of equal justice and of constitutional law. In this discussion, the constitution, and the constitution alone, is my chart, and by it alone shall I be guided. I am to argue on the side of executive power, a power which has been attempted to be rendered odious in this debate, but which I will endeavor to show is not of that odious character with which it has been invested by the distempered imaginations of gentlemen; a power, on the contrary, given by the constitution, exercised under the constitution, and for the purpose of carrying into effect the provisions of the constitution.

Mr. President, it is my purpose to argue from the constitution as it is, and not as some gentlemen suppose it ought to be. In this way much of the argument of those who have preceded me, on the other side, is disposed of. They have argued from what they term the abuse of power. Sir, the abuse of power does not show that the power does not exist. On the contrary, it is conclusive evidence of its existence; for where there is no such power, there can be no such abuse of it. I will not dwell on alleged abuses, which form the groundwork of much, very much, of what has been said in this debate. They are all the creations of a lively fancy. They are the productions of an overheated imagination. Such allegations do not go to the merits of the question. Their refutation is not necessary to my argument.

In the outset, then, I claim for the Executive no power except what is granted to him by the constitution itself. He has no power except what is derived from that instrument. What is there granted I claim for him: I claim no more, and will take no less. I stand upon the constitution, and upon the constitution alone. I have made this avowal to guard against misapprehension. An overweening desire has been manifested, on the part of some, to attribute to others an attempt to derive this power from other sources than the constitution itself, and, in their anxiety to accomplish this purpose, they have ascribed to others arguments and motives which they never used nor entertained. If, therefore, in what I have to say, a word be not as fitly chosen as it ought to be, let it not be deemed to imply what is not intended by it. With these preliminary observations, observations designed to guard against misapprehension and misrepresentation, I proceed to the immediate subject under consideration.

It is agreed on all hands, that the power of removal exists under the constitution. It is essential to the due administration of the Government. The only question is, how and where it is to be found, and by whom it is to be exercised. In order to arrive at a correct conclusion on this subject, it may not be amiss to examine the circumstances of the times in which this constitution had its origin. It primarily grew out of the defective organization of the old continental Congress. This body, which was composed of delegates from the several colonies, exercised all the ordinary powers of Government, legislative, executive, and judicial. The power of appointment and removal from office was a part of its executive power, and, in its judicial capacity, it reserved to itself the right of appeal from prize courts, which it had recommended to be established in the respective colonies. The defects of this organization were so palpable, that it was soon found necessary to resort to a different one for a remedy; and the continental Congress was superseded by the confederation. Here, again, the greatest difficulties were experienced from the defects which still existed in this new, and, as was supposed, improved system of government, and none was more sensibly felt than "the organization of the whole powers of the general Government in a single assembly, without any separate or distinct distribution of the executive, judicial, and legislative functions." To remedy this defect, amongst others which existed, was the object of our present constitution. Under the confederation, it will be perceived, there was no national Executive. "The whole powers of the national Government," says a distinguished commentator, "were vested in a Congress consisting of a single body; and that body was authorized to appoint a Committee of the States, to sit in the recess, and to delegate to them such of their own powers, not requiring the consent of nine States, as nine States should consent to. This want of a national Executive was deemed a fatal defect in the confederation."

The establishment of a national Executive seems to have been a primary object with the convention which formed the constitution. In regard to its importance, there was no diversity of opinion. But, on the question whether it should consist of a single person, some difference did exist. The principle of unity instead of plurality in the Executive, was, however, adopted by a strong vote. The convention was of opinion that the former would secure energy, decision, activity, and all the qualities so essential in the due administration of the Government. The inefficiency of the executive power under the continental Congress, as well as under the confederation, left no room to doubt about vesting that power in a single head. Unity, then, in the executive department, was a leading feature of the new constitution; and it follows that any construction which tends to divide or share this power, beyond what is expressly given by the constitution, is against the very spirit of the principle on which the executive department is founded. This principle may be invaded and violated in two ways: first, by the creation of an executive officer, by legislative power, and declaring him independent of the President, who is, by the constitution, the Chief Executive of the nation; second, by taking from the President, by like legislative authority, his power of removal from office.

This presents the inquiry, Has the President the power of removal?

The old Congress exercised the power of appointment as well as the power of removal. They are, in their nature, executive powers. These, with the legislative and judicial powers exercised by that body, were designed to be distributed by the provisions of the new constitution. It was intended to confer the executive power, including, of course, the power of appointment and removal, on the President, except when specially restricted by the constitution. The power of removal, being neither a legislative nor a judicial power, was a portion of the executive power thus intended to be given him. Accordingly, the constitution says: "the executive power shall be vested in a President of the United States of America."

In regard to the other departments of the Government, it says: "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." It is proper to observe the precision of the language used in the constitution in reference to this distribution of powers. The executive and judicial power is "vested." The legislative power is said to be "herein granted." The Senator from Massachusetts [Mr. **WEBSTER**] seemed to be aware of the difficulty which his argument encountered by the difference of the phraseology in the language of the constitution, in reference to these powers. But, with characteristic boldness, he marched directly to his object, and surmounted all obstacles, by at once amending the constitution, by adding to the clause conferring executive power the words "herein granted," the same as they are found in the grant of legislative power. "I consider," says he, "the language of this article, therefore, precisely equivalent to that in which the Legislature is created; that is to say, I understand the constitution as saying that "the executive power, herein granted, shall be vested in a President of the United States." The words "herein granted," as applied to the clause in relation to executive power, let it be remembered, are an interpolation of the honorable Senator himself. They are not to be found in that clause of the constitution where the Senator has taken the liberty of introducing them, and, after what we have heard from that gentleman, about the violated constitution and laws, I am unwilling that he shall introduce so important an amendment without going through with the forms prescribed by the constitution itself. I will undertake to show that the framers of the constitution had good reason for the precise phraseology which they used in reference to these different powers of the Government. It is not a correct rule of construction to add words to one clause which, from the manner in which they are used in another, were intentionally omitted. If the gentleman cannot sustain his argument without changing the constitution, he must consent to let the executive power go to the President, where the constitution intended to vest it.

But why this difference in phraseology? I will endeavor to show. The Government of the United States, under the constitution, is one of limited powers. It possesses no power except what is derived from the States. They were separate, independent, and sovereign, and possessed all the powers of separate, independent, and sovereign States. They still possess those powers, except that portion which has been granted to the United States. The United States, therefore, is a Government of delegated powers. It takes by grant from the States, and it possesses those powers which the States have parted with, and have granted to it. Hence, in the grant of legislative power, the words "herein granted" are used, because the Government is one limited to the powers granted, and can take nothing beyond. In the general Government, therefore, there can be no legislative power, unless it be granted. It can be granted in no way except by the constitution. Hence it is, that, in that instrument, it is spoken of as a power "herein granted." But how stands the case in regard to executive and judicial powers? The constitution does not speak of them as "herein granted," but says they shall be "vested," the one in the President, the other in a Supreme Court. Executive as well as judicial power necessarily follows the grant of legislative power. It exists, under the constitution, from the grant of legislative power. It requires no specific grant by name. Wherever there is legislative power, there must be, *ex necessitate*, executive and judicial power. The first is merely declaratory of the intentions of the legislative body; the second enforces those intentions; and the third expounds them, if there be any doubt as to how they should be carried into execution. If the constitution were entirely silent in relation to executive and judicial power, it would still exist, under the constitution, from the grant of legislative power. For when the States parted with a certain portion of legislative power by specific grant, they also, by the same act, parted with enough of executive and judicial power to expound and enforce that grant. Hence the constitution does not in terms grant those powers, but vests them. In regard to legislative power, it both grants and vests. If the constitution had not vested the executive power, it might have been vested by the legislative power; the grant of it being incident to the grant of legislative power; but, being vested by the constitution, the Legislature cannot interfere with it.

I have said that the power of removal was, by its very nature, an executive power, and that it could not be classed with legislative or judicial powers. If it be an executive power, it is, of course, vested in the President by the constitution, and cannot be divested by the Legislature. But the Senator from Kentucky [Mr. Clay] denies that it is an executive power; says it partakes of the judicial character; and, in the next breath, assimilates it to a legislative power. There seems to be a confusion of ideas with the honorable Senator on this subject. He has a remarkable facility in transferring powers from one department to another, and even giving them a new baptismal name, if the one which the constitution has given be not in accordance with his taste. I well recollect, on a memorable occasion, when the removal of the deposites from the Bank of the United States was under discussion here, that the Senator from Kentucky, unwilling to recognise the Treasury Department as an executive department, and unable to discover in it any similarity to the legislative or judicial department, very complacently christened it an administrative department! But, Mr. President, powers in their nature executive are executive powers, no matter by what name they are called, nor by what department they may be exercised; and, as the executive power is vested in the President, it is to be exercised by him in all cases, except where the constitution has expressly otherwise provided. The old Congress, we have seen, exercised this power. It was no less executive, by reason of its being exercised by a body which also exercised the legislative power. Sir, it is denied that the power of removal is an executive power. What is executive power? It is a power which executes. It implies more than a power to accomplish, to fulfil, or to perform. It involves the idea of active measures, and the one who executes is the executor or executive. It is the giving effect to the behests of other powers which have a right to command. Says a learned writer, "one executes according to the intentions of others. A soldier executes the orders of his general, a merchant executes the commissions of his correspondent." The President, I may add, executes the laws of Congress, passed in conformity to the powers granted to that body by the constitution. He executes, as the word implies, according to their intentions. If their intentions are not understood, or are disputed, then the Judiciary comes in, and expounds and settles their meaning. These intentions of Congress cannot be executed without the power of removal. For, if officers should refuse or neglect to execute the laws, the President, whose duty it is to see the laws faithfully executed, can effect it in no other way than by removing them from office. The power of removal, therefore, is an executive power. It follows, then, that the power necessary to execute the legislative behests of Congress is vested in the President, though not by name specifically granted in the constitution. The words "herein granted," on which the Senator from Massachusetts based his arguments, were, therefore, an intentional omission. Because, if they were in this clause of the constitution, and the constitution had enumerated the executive as it did the legislative powers, and the power of removal had not been expressly granted, then it might be, as it has been, argued that the power of removal was not in the President. But, when we see that the words "herein granted" are not contained in that clause of the constitution, then the general executive power being vested in the President, the power of removal must be vested as a part of it.

Mr. President, permit me to illustrate my position by a reference to the constitutions of the several States. They are all very similar in this respect. I will, therefore, take the constitution of the State of New York as an example of the whole. That constitution declares that "the legislative power of this State shall be vested in a Senate and Assembly." It does not say the legislative power herein granted, because, no grant was necessary. The power resided in, and was inherent in, the people. They therefore merely vested it in a legislative body, which they created for that purpose. But, when the States delegated certain powers to the general Government, the constitution said, "all legislative powers herein granted shall be vested in a Congress of the United States," because there existed in that Government no legislative powers except those granted to it by the States—and, of course, no such powers could be vested till they were granted. Again, the constitution of New York says, "the executive power shall be vested in a Governor." Here, too, there is no grant. The power resides in the people, and it necessarily exists where legislative power exists. The people, through their respective State conventions, having expressly granted a portion of legislative power to the United States, of necessity, as I have already remarked, granted a portion of executive power, and so much, without specification, as was necessary to execute the legislative grant. There is no danger, then, as the Senator from South Carolina [Mr. Preston] supposes, that the President may take all the executive powers of the States; for whenever you define how much legislative power is granted, that determines the measure of executive power. There need be no apprehensions, therefore, on this subject; for the legislative power of the Government is to be ascertained by what is expressly granted in the constitution. Again, the constitution of New York says, "he (the Governor) shall take care that the laws are faithfully executed." How, it will be asked? I answer, by virtue of the executive power vested in him. The same may be said of the President; and, as I have before observed, he cannot execute the laws without the power of removal. It must, therefore, be vested in him as a part of the executive power. Those who deny this position are bound to show that the power of removal is expressly vested in some other department of the Government.

The Senator from Massachusetts [Mr. Webster] attempts to avoid this difficulty by assuming that the power of removal is incident to, and a part of, the power of appointment, and that whoever holds the one, holds the other also; that the power of appointment being vested in the President and Senate, the power of removal must be vested in them likewise; that both are derived from the same source. What is that source? "He (the President) shall nominate, and, by and with the advice and consent of the Senate, appoint."

It has been already demonstrated that the power of appointment and the power of removal are executive powers; and as the executive power is vested in the President, it follows that both these powers are vested in him, unless restricted in the constitution by some other special grant of power which is in derogation of them. Is there any such grant? There is none as to the power of removal. Of course, it must be in the President; and as to the power of appointment there is a mere qualification or restriction upon it. The power of appointment is substantially and technically in the President alone, notwithstanding the restriction. He shall nominate, and, by and with the advice and consent of the Senate, shall appoint. The appointment is, therefore, in fact, made by him. He is the agent, under the constitution, to make it, and the Senate have a mere negative on his agency. But for this negative, the Senator from Massachusetts concedes that the power of appointment, as also the power of removal, is in the President. Does this negative alter the case? There is no principle better settled in the construction of the constitution or laws than this. Where a general power is vested, any participation in that power is an exception to a general principle, and must be taken strictly. No one understands this principle better than the Senator from Massachusetts. This participation, then, by the Senate, is such an exception, and, of course, must be confined to the terms of the exception. It is only in derogation of the power of appointment, and not the power of removal.

Mr. President, by a fair construction of the constitution, I am satisfied that the power of removal is vested in the Executive; and it appears to me that such a construction is supported by weighty reasons, reasons which show it ought to be so. Our Government is a Government of responsibility. The people are the source of power, and the fountain of honor. All officers should be mediately or immediately responsible to them. The power of removal should rest where the responsibility rests, on the President. He is responsible to the people for a faithful execution of the laws. "He shall take care that the laws be faithfully executed." This is an injunction of the constitution which he has sworn to support. It is an injunction of duty. How shall he perform that duty? How can he be answerable for a faithful execution of the laws, if an officer is appointed, and he has not the power to remove him? What is the object in giving the Senate a participation in the appointment? It must be for the purpose of ensuring, with greater certainty, competent officers. The President appoints, but he must first get the advice and consent of the Senate. When the appointment is complete, the incumbent is presumed to be more certainly a suitable man for the station than he might have been if the President alone had the power of appointment. The President would not desire to displace such a man, and one of his own appointment, too, without good cause. If, for good cause, he sees fit to remove him, there is not much danger of getting a bad man in his place, because it is presumed that the Senate will not advise and consent to any other than a proper appointment. Appointment to office concerns the public—removal from office concerns the individual. The public have an interest, and a deep interest, too, in having all offices filled by suitable and proper men. If an officer is removed, the presumption is that, with the advice and consent of the Senate, a worthy man will be appointed to succeed him. There is not the same reason, therefore, for the interference or participation of the Senate in removals as appointments. The reason, we may presume, why the constitution did not give the Senate a participation in removals from office was, that it was not necessary to secure proper incumbents in office, and it might interfere with the faithful execution of the laws.

But let us return to the question of responsibility. If the power of removal was divided between the President and Senate, there would be no responsibility. The people cannot reach this body. Their voice is not heard here; and even if it were, responsibility, when thus divided, amounts to nothing. The people cannot hold the President responsible, for he has done all in his power. The result is, that there is responsibility nowhere, under such a construction of the constitution. It will not be contended that the Senate has the right to interfere with the execution of a law in the enactment of which it, as a branch of the legislative power, has participated. Suppose such a law to exist, a law which enjoins a certain duty on an officer in the executive department of the Government, and he refuses to perform it? What is the remedy? The President is bound to see the law executed. It is an injunction of the constitution which, on entering upon his elevated station, he swore to support. How is he to do it? It can only be done through the officer, and he refuses to obey the orders of the President. He has no other way than to remove the officer, and to appoint one in his stead who will obey his directions. But if the Senate refuse to advise and consent to the removal, then the refractory officer remains. The law becomes a dead letter on the statute book; and the Senate, in effect, abrogates an act of Congress. It may be said that I have supposed a case that would never occur. If it is one that might occur, it shows the fallacy of a construction of the constitution which, in its results, involves such an absurdity.

Mr. President, there are other reasons. The public interest as well as the public convenience might require an immediate removal; and the delay in convening the Senate, in order to get its advice and consent, might be productive of the greatest injury to the public service. Gentlemen on the other side have been aware of this objection, and have endeavored to obviate it. The Senator from Massachusetts supposes, that if the removing power belonged to the President and Senate, the Senate would of course be more in session than it now is, and thus the inconvenience would in a measure be obviated. Sir, the duties of the Senate, beyond its legislative duties, do not require it to be in session any longer than the House of Representatives. From its limited number of members, compared with those of the House, it is enabled to despatch more business in a given time than the more numerous branch. That is always the case in all legislative bodies. Hence it is no burden for the Senate to discharge its other duties during the same session with the House. Besides, it is not conformable to the spirit of our institutions that either branch of the Legislature should protract the sittings, so as to even approach the character of a permanent body. The expense attending such sittings, if it must be convened for executive business, would not be justified by public sentiment. The Senator from Kentucky, [Mr. CLAY,] however, has proposed another remedy, namely, that the President should suspend the officer until the Senate should be regularly convened, so as to avoid the inconvenience to the members, and the expense to the public. The objection to this is, that the public interest might require that the officer be forthwith removed, and another appointed to supply his place. Hence it is that the constitution has given to the President the power of appointment where a vacancy occurs in the recess. This provision is founded on the supposed necessity of prompt action. A suspension is not a vacancy, and therefore the office could not be filled. I can imagine a case where the state of our foreign relations might be such as to require a public functionary to be removed, and his place forthwith supplied. The power of suspension would not meet such a case, and it might be one that required great secrecy and despatch. So that the suggestions of either of the honorable Senators would not at all meet the objections which are raised to the participation of the Senate in the power of removal.

Again: The President being responsible for the faithful discharge of the executive duties of his station, it is both the theory and the practice of the Government that he shall have the selection of his cabinet ministers, who are his constitutional advisers in the performance of those duties. If the doctrine contended for by the friends of this bill be correct, no one can fail to perceive the dilemma in which the President might be placed.

He may have come into power after a severe political struggle, a struggle based on great principle, on which the people have divided, and would of course be expected, by the majority which elevated him to that high station, to carry out those principles in his administration of the Government. But, on taking the oath of office, he finds himself surrounded by the cabinet of his predecessor, to whom the people have given leave to retire; and, in the conscientious discharge of their duties, they believe the interests of the country require their continuance in office, and they can only be removed by and with the advice and consent of the Senate. After what we have seen for a few years past, it would be no great stretch of the imagination to suppose that there might be a majority in the Senate equally conscientious with the cabinet ministers themselves, and who might refuse to advise and consent to their removal. Of course, the President must be surrounded by constitutional advisers in whom he has no confidence, whose principles are diametrically opposed to his own, and to those of the people who elected him to carry those principles into effect. It may be said that the case which I have stated is one not likely to occur; that gentlemen entertaining such opposite views to the President's would not consent to hold their places under him; and that the Senate would not impose upon him those who were not of his own selection. Such, Mr. President, might be the case, and, generally speaking, would be. But I can imagine an instance, during what has been not inaptly termed the panic session, where I believe the Secretary would have held on to his place, against the wishes of the President, and where the Senate would have refused to remove him, if the President had attempted it. The probability, nay, I may say, the possibility, that such a case might occur, must be a satisfactory reason to every candid and unprejudiced mind, why the construction of the constitution, as to the removing power, contended for on the other side, cannot and ought not to prevail. If such a construction could for one moment be admitted, what would be the result? Why, that the Senate, a body not responsible to the people, would control the President, who is solely responsible to them, and through him control the people themselves, and set at defiance their wishes, as well as trample under foot their principles.

I will now, said Mr. T., briefly notice the argument of the Senator from South Carolina, [Mr. Calhoun,] the refutation of which he challenged with such an air of triumph, and offered to yield the floor to any one who would undertake to answer him. I accepted his challenge, and was proceeding in the answer, when he claimed the floor, because my argument was likely to cover more ground than he was willing I should occupy at that time. The Senator resumed his speech, and I now take the first opportunity to show the fallacy of his reasoning, and the utter destitution of any constitutional principles on which he attempted to found it. The novelty of his position struck me, as it must have struck every Senator, with surprise. The Senator himself claimed the merit of the discovery; admitted it was a new reading of the constitution; that it was a view which was never taken by any one before; that even the sages of the first Congress (some of whom were members of the convention that framed the constitution, and who discussed with great force and deliberation this very power of removal, and decided it as belonging to the President) were entirely ignorant of it; and that it had been reserved for him to settle a question of constitutional construction which had baffled the efforts of all the most eminent statesmen, from the earliest period of our political history to the present time! What, then, Mr. President, is this great discovery? Why, sir, it is this: that the power of removal is to be found in that clause of the constitution which says "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," (those granted to Congress itself,) "and all other powers vested by this constitution in the Government of the United States, or in any department or officers thereof." The Senator contends that the power of removal is not expressly granted by the constitution to the President, and that it cannot therefore exist, except as a power necessary and proper to execute some power expressly granted by that instrument; and that if it exists in that character, it belongs to Congress, and not to the Executive, under that clause of the constitution already quoted. My objection to this argument, Mr. President, the fallacy of which I apprehend no difficulty in demonstrating, is twofold. First, the power of removal, though not expressly granted to the President in terms, is still vested in the President, as I have heretofore shown, as a part of the executive power. Second, that the clause cited by the Senator, as conferring the power on Congress, instead of the Executive, has no possible bearing on the question. The power of removal must exist somewhere. If it exists in Congress, it must exist, according to the Senator's own argument, by virtue of this clause. If, then, this clause were not in the constitution, the power of removal would not exist in Congress, but would be vested in the President, unless there be some other clause expressly granting it. It is conceded there is no such clause, and therefore it exists by virtue of this clause, if it exists at all. It follows, then, that if this clause had never been inserted in the constitution, Congress could not claim to exercise the power of removal. So, if this clause, although inserted, conferred no additional power, then it is the same as if it had never been inserted. What, Mr. President, are the facts in relation to it? When the constitution was under discussion, before the people of the several States, for their ratification, this very clause was looked upon with a jealous eye, and was objected to as covertly containing powers which ought not to be granted to the new Government. What was the answer to these suggestions and suspicions; and by whom was the answer to them given? By Alexander Hamilton—the great oracle of the constitution—one of its most prominent framers, and one of its ablest expounders. What said he in relation to this clause? Why, sir, "that it conferred no new or additional power; that the constitutional operation of the intended Government would be precisely the same, if this clause had been entirely obliterated, as if it had been repeated in every article; that it was only declaratory of a truth which would have resulted by necessary and unavoidable implication from the very act of constituting a federal Government, and vesting it with certain specified powers. This is so clear a proposition," said he, "that moderation itself can scarcely listen to the railings which have been so copiously vented against this part of the plan, without emotions which disturb its equanimity." Such was the indignant language of Hamilton towards those who attempted, at that early day, before the adoption of the constitution, to pervert its meaning, and to discover important and hidden powers in a clause which contained none, and conferred no new ones. What then must be our emotions, when, after a lapse of near half a century, we see an effort made to grasp, under this clause, one of the most important powers of this Government, and forcibly to transfer it from the executive to the legislative department? But, it may be asked, if the constitution be the same without as with this clause, why was it introduced? I will answer this interrogatory in the language of the same great expounder of the constitution, "that it could only have been done for greater caution, and to guard against all cavilling refinements in those who might hereafter feel a disposition to curtail and evade the legislative authorities of the Union."

But, Mr. President, I go one step farther, and say, even if this clause does confer any power which was not contained in the constitution without it, that still it does not confer upon Congress the power of removal from office. Let us look again at the clause, "Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." What powers, I ask? Why, powers which are expressly conferred on Congress, and which are specifically enumerated, namely: to lay and collect taxes; to borrow money on the credit of the United States; to regulate commerce, &c.; but we find no executive powers enumerated amongst them. Of course, the power of removal is not to be found in this member of the clause to which I have referred. Is it contained in what follows, to wit: "and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof?" We have seen the power of removal is not amongst the powers conferred on Congress, and, therefore, Congress cannot assume to exercise it. It is not vested in Congress, and must, of course, be vested in some other branch of this Government. We have seen that it is an executive power, and that the executive power is vested in the President. Congress, then, under this clause of the constitution, can do no more than to pass the necessary and proper laws to carry into execution a power thus vested in the Executive.

I have, thus far, Mr. President, endeavored to argue this question as if it were now for the first time presented for the consideration of Congress. I have attempted to discuss it on strict constitutional principles, without reference to any precedent which may have been established by the action of the Government, or the practice of any of the departments of it. The conclusion to which I have arrived on principle, is also sustained by precedent. In saying this, I do not mean to be understood as attaching any peculiar sanctity to any precedent, merely because it is one. But a precedent, in reference to the circumstances under which it was established, as well as the character of those by whom it was adopted, may be entitled to high consideration--and more especially when it is supported by reasons which justify its origin, and sanction its continuance. Such, in my judgment, is the case under consideration. The power of removal from office was a principle which came up for the determination of the first Congress which assembled under our present constitution. A Congress composed of the sages of the Revolution, and many of its members having been prominent and efficient members of the convention which framed it. This was the celebrated Congress of 1789, which enrolled amongst its number James Madison, who, by way of eminence, has been called the father of the constitution. The question of removal from office came up on the bill to establish the Treasury Department. I will not attempt to present or recapitulate the arguments which were used on that occasion. Suffice it to say, that it was the intention of Congress to settle for ever the construction of the constitution on this point. This is evinced by the fact that objections were strenuously urged against any interference on the part of Congress in giving a construction to the constitution in regard to a power about the exercise of which a difference of opinion existed. It was urged that there was no necessity for the interference of the legislative department--that the question should be left till it arose in the regular operation of the Government, and should then be submitted to the decision of the Judiciary, or be decided by the President and Senate whenever it occurred. It was answered, on the other hand, that it was a question difficult to be brought before the Judiciary, and it was important to decide it at that early day, in order to avoid any conflict between the President and Senate—and that the House of Representatives, representing the people, ought to make an expression on the subject, which coming, as it were, from the people themselves, would be the means of quieting it for ever, and of avoiding great difficulties in the future action of the Government. Under this impression, and with this view, the bill for establishing the Treasury Department was so amended as to show the power of removal as already existing in the President, and that it should not appear to be granted by Congress. This decision has been acquiesced in ever since, and the practice of every administration has been in accordance with it. Congress has, in various instances, recognised it as the true and settled construction of the constitution. I will not detain the Senate by citing the numerous acts of legislation by which it has been so recognised and settled; but it may not be amiss to call the attention of the Senate to the act of 1820, which is proposed by this bill to be repealed, and which contains the very principle for which I am contending. The question then recurs, shall this precedent, thus sanctioned by time and experience, confirmed by the uniform practice of the Government, and founded, as it appears to me, on the most weighty reasons, be now overturned? I trust not. I have too great a veneration for the memories of those great men who composed the first Congress, and who established the principle which is now attempted to be subverted. The precedent was made by a body which best knew what were the intentions of the framers of the constitution. It was made before the people were divided into distinct political parties, as they have ever since been. It was, of course, settled without party feeling. The state of the times was favorable to a fair and impartial discussion of it. It cannot now be discussed without party bias. Enough has already been evinced to satisfy every candid observer that this is not the time for an impartial discussion, or an impartial decision, of the question. The statute which is proposed to be repealed by this bill was passed at a period much more favorable to a correct determination as to its passage than the present time is to its repeal. It was passed in 1820, during what was then termed "the era of good feelings." It was under the administration of Mr. Monroe, when the strife of party was hushed in the dead political calm which prevailed throughout the country. Such a state of things, however undesirable it may be in other respects, is at least favorable to the correct determination of a principle like that contained in the act of 1820, and which the bill under consideration proposes to repeal. Why, then, when parties are so excited as they now are, when the "times are out of joint," shall we undertake to overturn a principle so long established? If the construction of the constitution, in relation to the power of removal, be not settled after a lapse of nearly half a century, and after the uniform action of the Government during that period, when, I would ask, will it be settled? I have been astonished and amazed at the course of some Senators who have advocated this bill. It was but a short time gone by, when they evinced a holy horror at the mere suggestion of the unconstitutionality of the Bank of the United States, after it had so long been settled by precedent; and now they are rampant to overturn a precedent which is coeval with the Government itself. They are impatient, whenever the constitutionality of the bank, the tariff, or internal improvements, is contested—which has been contested, in relation to them all, whenever they have been before Congress—whilst the power of removal, after it was settled in 1789, has not been attempted to be disturbed from that period till the present time.

On this subject, Mr. President, let me not be misunderstood. I do not contend that this precedent, or any other, can make that constitutional which was before unconstitutional. It is the mere evidence of the constitution. Precedents, in this respect, may be likened to judicial decisions. Such decisions are not the law, but are merely evidence of the law. Suppose this question should come before the Judiciary, what would probably be their decision? Would not their doubts, if they entertained any, in relation to the original construction of the constitution, yield to the settled and uniform practice of every department of the Government? I cannot for one moment doubt it. What, then, ought to be our determination? Shall we maintain the principles of the constitution, as settled and established by the sages of the Revolution, or shall we lay sacrilegious hands on this venerated structure of our ancestors? Shall the Vandalism of modern times destroy the classic and fine proportions, and mar the beauty and grandeur, of this mighty edifice of constitutional liberty, erected by their toil and cemented by their blood? I trust not. But, if there be any one here, who, like the strong man, dares to embrace its pillars and to pull down the constitution along with it, I will at least have the consolation to know that there is one who has not contributed to its destruction, although it may be buried in its ruins.

Mr. President, it was my intention, in connexion with the question of the constitutional power of removal, to consider at large the other provisions of the bill. From the manner in which this discussion has been protracted, I feel a great reluctance to occupy the farther time of the Senate. But, as there seem to me to be some views of those provisions which have not been fully presented by gentlemen who have preceded me, I am induced to state, as briefly and as concisely as possible, those which I entertain. As more immediately connected with the power of removal, I will consider the third section of the bill, which requires that in all nominations, made by the President to the Senate, to fill vacancies occasioned by the exercise of the President's power to remove certain officers mentioned in said bill, the fact of the removal shall be stated to the Senate at the same time that the nomination is made, with a statement of the reasons for which such officer may have been removed.

On this branch of the subject, my first objection is, that if the President has the power of removal, he cannot be required to assign reasons. That he has the power has been already demonstrated, and, in relation to the class of officers to which the third section of the bill refers, the bill itself concedes him that power. That power, then, I contend, is absolute, unless the constitution has specially restricted it. No such restriction or condition can be found in the constitution. The appointment of officers is given to the President, with the advice and consent of the Senate. This is the general grant of power, as relates to appointments. This is the general principle. I have heretofore shown that the participation of the Senate is an exception to the general principle, and must be taken strictly. There is a still farther exception, by which even this participation, as to "inferior officers," may be taken away from the Senate by Congress. "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments." If the appointment of such "inferior officers" should be given to the President alone, thus taking away from the Senate a participation or power expressly granted, will it be pretended that Congress can, at the same time, confer upon that body a participation in the power of removal which is not granted? The executive power is, in general terms, vested in the President. The appointment of "inferior officers" is in derogation of that power; and of course Congress may dispose of them as it pleases. Congress may also limit the term of certain officers—may repeal the law creating the office—may give the appointment and removal to the other department; but whenever the appointment of an officer is given to the President alone, or to the President and Senate, then the President has the power of removal, and no law can take it from him. The requirement of reasons, then, is an infringement of his power of removal. This power is a political power, and, like all political powers, is to be exercised at his discretion. There is no principle better settled than that in the exercise of this discretion he is subject to no control, and answerable only to his country and to his own conscience.

It is, however, urged that Congress has power to annex conditions to the President's power of removal. If there be any power which can require him to give his reasons, then there must be a power to enforce that requirement. Let us test the matter by this rule. If this assignment of reasons be a condition, as is alleged, then the act to which it is a condition cannot be perfect and complete until the condition be performed. Suppose you pass this section, and the President makes a removal, and does not send his reasons to the Senate with the nomination of a successor, is the office vacant? Most assuredly it is. No one in his senses can doubt it. The officer thus removed can no longer exercise any of the powers appertaining to the office. If so, then the condition is not performed. It is in fact no condition, else the removal would not be complete without performance; and it is evident there is no power to annex the condition, else there would be a power to compel performance. Again: if Congress has power to compel the President to assign reasons for a removal, much more has it the power to make the Senate assign reasons for a rejection. How can the Senate assign them, it may be asked? Different members reject for different reasons. Unsuccessful efforts have been made to get the Senate to enter reasons on the journal. On the other hand it may be urged, that unity being the feature of the executive branch of the Government, the same rule would not apply to him, as to the Senate, for witholding reasons. But the principle is the same, and if the Executive had consisted of a plurality, as was strongly urged in the convention that formed the constitution, the difficulty would have been as great as with the Senate, and still the right to call for reasons would have remained the same.

What, Mr. President, is the object of reasons? If to influence the action of the Senate, it must be satisfied that they are either true or not true. This can only be done by an investigation of the facts alleged, upon which such reasons are founded. Such an investigation, to be satisfactory, must give an opportunity to all concerned to be heard. Such an investigation or examination, the Senate, from the nature of its organization and its business, cannot undertake; of course, the truth of the reasons, as to which, peradventure, the President may be mistaken, cannot be satisfactorily ascertained by the Senate, and its action cannot therefore be founded on them. But, it is said, these reasons are necessary to enable the Senate to act on the nomination of the successor to the one removed. Are not, then, the reasons of the Senate equally necessary to enable the President to judge of another nomination, after one has been rejected? If the President remove a foreign minister, it might be necessary for the public interest that his reasons be kept secret during the pendency of a negotiation with a foreign Power. Would you, in this way, hazard the results of such a negotiation? If it be said that the Senate would keep the reasons secret, the answer is, that the same reasons which would induce the President to withhold from the Senate the secret ne gotiation itself till a treaty is formed, ought to induce him to withhold his reasons for removal till the negotiation is ended. There may be cases, too, where reasons ought not to be given. By a provision in the constitution of the State of New York, "all officers holding their offices during good behaviour may be removed by joint resolution of the Houses of the Legislature, if two thirds of all the members elected to the Assembly, and a majority of all the members elected to the Senate, concur therein." This, it will be perceived, includes the chancellor, judges of the supreme court, and circuit judges, all of whom may be removed in the manner specified, and without the assignment of any reasons for such removal. It was urged in the convention that adopted this provision, that the reasons should be entered on the journals of the two Houses of the Legislature. But that proposition was rejected, on the ground that there might be cases where reasons ought not to be assigned. The incumbent might be removed for bodily infirmity or mental imbecility, which, out of regard to the memory of the individual, as well as to the feelings of his friends, ought not to be perpetuated on the public journals of such a body. Do not the same reasons apply as strongly to the case under consideration? I cannot doubt that they do. What, then, it may be asked, is the remedy for improper removals? I answer, in the first place, the President is responsible to the people on a re-election. For an improper exercise of any any of the powers vested in him by the constitution, he has to pass the ordeal of the popular will. And a people jealous of their rights, and watchful of their constitutional privileges, will not pass unnoticed any breach or infraction of those rights and privileges, much less any usurpation of power by the Executive, which is not granted by the constitution. In the next place, I answer that, for a wicked and corrupt exercise of the power of removal, the President is liable to impeachment. This has been characterized, by gentlemen on the other side, as an idle remedy, because the same people that elect the House of Representatives, by whom an impeachment is to be preferred, also elect the President, and therefore will not impeach him. Let it be recollected that, when the President is chosen, he is presumed to stand fair before the people. If he is impeachable, it must be for acts after his election. If any just cause shall occur after he has entered upon the duties of his office, the people will not fail to discover it, and, through their representatives, will apply the remedy. It is worse than idle, then, to say that, because the same people that elect the Representatives elect also the President, before any cause of impeachment exists against him, therefore those Representatives will not impeach him after such a cause exists. The people are pure and honest, and the few impeachments we have had is a strong evidence of the purity, instead of the corruption, of our public men. In those few instances where impeachments have been preferred by the House of Representatives, there have been no convictions by the Senate. Even if the impeaching power was as little to be trusted as gentlemen have described it, it is a constitutional provision nevertheless, and cannot, for its inefficiency in practice, be set aside to introduce a doubtful legislative power to supply the defects of a power expressly granted by the constitution.

At the time of the adoption of the constitution, the legislative department was deemed the most dangerous department in the Government. The effort now making to subject the executive department to its control is only verifying the predictions of some of the wisest and ablest men who lived at the time of the adoption of the constitution. I cannot better give their views of the dangers of legislative encroachments on the other departments of the Government, than by quoting the language of a distinguished commentator on the constitution, in which those views are imbodied and set forth.

[Mr. T. here quoted from Story's Commentaries on the Constitution, vol. 2, pages 15 to 18.]

Such were some of the reasons for the jealousy and fears entertained of the legislative department. These fears are more than confirmed by the recent strides of legislative power, and more especially by the efforts now making to wrest from the Executive powers vested in him by the constitution, and confer them upon Congress, to which they were never granted; thereby unsettling that which has been settled from the foundation of the Government. Pass this section, requiring reasons for removals, and we shall next see the power of removal itself given to the Senate conjointly with the President. This is but the entering wedge of legislative usurpations. Let us pause before it is too late.

By the act of the year 1820, the term of office of certain officers therein mentioned, namely, district attorneys, collectors of the customs, naval officers and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the army, the apothecary general, the assistant apothecaries general, and the commissary general of purchases, is limited to four years, and the said officers removable at pleasure. The first section of the bill under consideration proposes to repeal this provision. A few remarks on this proposition, and I will detain the Senate no longer. Ours is a Government of the people. Their will should pervade the whole body politic, as the blood pervades the human system. Like the heart, its pulsations should be felt to the remotest extremities. The true test of legislation is, whether it tends to promote this great object. If it does, it is salutary; if it does not, it is detrimental. The same principle holds in regard to the appointing power. The question should be, in all cases, is the appointment such as the people will approve? The same, too, as to continuance in office. Now, sir, let us apply this principle. Are short terms of office the general sentiment of the people of this country? An examination of the State constitutions, where the people have spoken through their conventions, will give an affirmative answer to this interrogatory. The terms of most of the offices in the different States of this Union are short. In some of the States, the judges of the highest judicial tribunals are appointed for short periods. In others, they are elected for limited terms. In many, sheriffs, clerks, registers, and justices of the peace, are elected for terms from two to four years; and generally the sheriff made ineligible for the next term. In a great portion of the States, even the governors are ineligible after a limited period, or till another term has intervened. Other officers, after receiving the patronage and emoluments of office, are made to retire, and give place to those equally deserving. This is the prevailing principle throughout the Union, in regard to elective officers; why is it not correct as to those conferred by the appointing power? Both classes should rest on the will of the people. That will, we have seen, is in favor of limited terms. A contrary doctrine is establishing a privileged order, which is repugnant to the genius of our Government, and to the spirit of our institutions. It is virtually appointing officers for life. It must have been on this principle that Hamilton maintained the right of the Senate to unite in removals. He submitted a proposition, in the convention that formed the constitution, for an Executive and Senate for life. What, sir, are the duties of the officers whose terms are to be made perpetual, as it were, by this bill? They are principally collecting and disbursing officers.

What is the term of office by which officers of this character hold in the several States? The treasurers, through whom all the current funds of the States are collected and disbursed, are, I believe, in every State in the Union, chosen or appointed annually; whilst the officers enumerated in this bill, being also collecting and disbursing officers, are not to be reappointed at all.

Again, Mr. President, I am for rotation in office. It is a republican principle. It is generally adopted in the States, and ought to be adopted in the Union. It is no new principle. It is older than the constitution itself. It was familiar to the people at the time of the adoption of the constitution. It prevailed in the different States, and was incorporated in their fundamental law. And one objection, amongst others, strongly urged in some of the States against the ratification of the constitution, was "the want of a suitable provision for a rotation in office, to prevent persons enjoying them for life." This objection, like many others, was overcome by the urgency of the times, and from the necessity of organizing a Government more efficient than the old confederation, and under the full persuasion that this great principle, which had been adopted by every State, would be carried out in practice by the new Government. The act of 1820 was intended to promote that object. The bill under consideration is designed to defeat it.

I have thus, Mr. President, endeavored to show that this bill ought not to pass, on the ground of expediency. I have also attempted to prove that it involves constitutional difficulties which ought to prevent its passage. In all that I have said, I have had no reference to the present incumbent of the executive chair. My object has been to guard against modern innovations, and to preserve the principles of the constitution in their original purity, so that when our venerated Chief Magistrate shall retire to that calm retreat, hallowed by so many endearing recollections, from which he was called by the voice of his country, he shall leave the high station, to which he has been elevated by the gratitude of a free people, unshorn of any of its constitutional privileges.

APPENDIX

TO THE REGISTER OF DEBATES IN CONGRESS.

TWENTY-THIRD CONGRESS—Second Session.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES TO BOTH HOUSES OF CONGRESS,

At the commencement of the Second Session of the Twenty-third Congress.

Fellow-Citizens of the Senate
and House of Representatives:

In performing my duty at the opening of your present session, it gives me pleasure to congratulate you again upon the prosperous condition of our beloved country. Divine Providence has favored us with general health, with rich rewards in the fields of agriculture and in every branch of labor, and with peace to cultivate and extend the various resources which employ the virtue and enterprise of our citizens. Let us trust that, in surveying a scene so flattering to our free institutions, our joint deliberations to preserve them may be crowned with success.

Our foreign relations continue, with but few exceptions, to maintain the favorable aspect which they bore in my last annual message, and promise to extend those advantages which the principles that regulate our intercourse with other nations are so well calculated to secure.

The question of the northeastern boundary is still pending with Great Britain, and the proposition made in accordance with the resolution of the Senate for the establishment of a line according to the treaty of 1783, has not been accepted by that Government. Believing that every disposition is felt on both sides to adjust this perplexing question to the satisfaction of all the parties interested in it, the hope is yet indulged that it may be effected on the basis of that proposition.

With the Governments of Austria, Russia, Prussia, Holland, Sweden, and Denmark, the best understanding exists. Commerce, with all, is fostered and protected by reciprocal good will, under the sanction of liberal conventional or legal provisions.

In the midst of her internal difficulties, the Queen of Spain has ratified the convention for the payment of the claims of our citizens arising since 1819. It is in the course of execution on her part, and a copy of it is now laid before you for such legislation as may be found necessary to enable those interested to derive the benefits of it.

Yielding to the force of circumstances, and to the wise counsels of time and experience, that Power has finally resolved no longer to occupy the unnatural position in which she stood to the new Governments established in this hemisphere. I have the great satisfaction of stating to you that, in preparing the way for the restoration of harmony between those who have sprung from the same ancestors, who are allied by common interests, profess the same religion, and speak the same language, the United States have been actively instrumental. Our efforts to effect this good work will be persevered in while they are deemed useful to the parties, and our entire disinterestedness continues to be felt and understood. The act of Congress to countervail the discriminating duties, levied to the prejudice of our navigation in Cuba and Porto Rico, has been transmitted to the minister of the United States at Madrid, to be communicated to the Government of the Queen. No intelligence of its receipt has yet reached the Department of State. If the present condition of the country permits the Government to make a careful and enlarged examination of the true interests of these important portions of its dominions, no doubt is entertained that their future intercourse with the United States will be placed upon a more just and liberal basis.

The Florida archives have not yet been selected and delivered. Recent orders have been sent to the agent of the United States at Havana, to return with all that he can obtain, so that they may be in Washington before the session of the Supreme Court, to be used in the legal questions there pending, to which the Government is a party.

Internal tranquillity is happily restored to Portugal. The distracted state of the country rendered unavoidable the postponement of a final payment of the just claims of our citizens. Our diplomatic relations will be soon resumed, and the long subsisting friendship with that Power affords the strongest guaranty that the balance due will receive prompt attention.

The first instalment due under the convention of indemnity with the King of the Two Sicilies, has been duly received, and an offer has been made to extinguish the whole by a prompt payment—an offer I did not consider myself authorized to accept, as the indemnification provided is the exclusive property of individual citizens of the United States. The original adjustment of our claims, and the anxiety displayed to fulfil at once the stipulations made for the payment of them, are highly honorable to the Government of the Two Sicilies. When it is recollected that they were the result of the injustice of an intrusive Power, temporarily dominant in its territory, a repugnance to acknowledge and to pay which would have been neither unnatural nor unexpected, the circumstances cannot fail to exalt its character for justice and good faith in the eyes of all nations.

The Treaty of Amity and Commerce between the United States and Belgium, brought to your notice in my last annual message, as sanctioned by the Senate, but the ratifications of which had not been exchanged, owing to a delay in its reception at Brussels, and a subsequent absence of the Belgian Minister of Foreign Affairs, has been, after mature deliberation, finally disavowed by that Government as inconsistent with the powers and instructions given to their minister who negotiated it. This disavowal was entirely unexpected, as the liberal principles embodied in the convention, and which form the groundwork of the objections to it, were perfectly satisfactory to the Belgian representative, and were supposed to be not only within the powers granted, but expressly conformable to the instructions given to him. An offer, not yet accepted, has been made by Belgium to renew negotiations for a treaty less liberal in its provisions, on questions of general maritime law.

Our newly established relations with the Sublime Porte promise to be useful to our commerce, and satisfactory, in every respect, to this Government. Our intercourse with the Barbary Powers continues without important change, except that the present political state of Algiers has induced me to terminate the residence there of a salaried consul, and to substitute an ordinary consulate, to remain so long as the place continues in the possession of France. Our first treaty with one of these Powers—the Emperor of Morocco—was formed in 1786, and was limited to fifty years. That period has almost expired. I shall take measures to renew it with the greater satisfaction, as its stipulations are just and liberal, and have been, with mutual fidelity and reciprocal advantage, scrupulously fulfilled.

Intestine dissensions have too frequently occurred to mar the prosperity, interrupt the commerce, and distract the Governments of most of the nations of this hemisphere, which have separated themselves from Spain. When a firm and permanent understanding with the parent country shall have produced a formal acknowledgment of their independence, and the idea of danger from that quarter can be no longer entertained, the friends of freedom expect that those countries, so favored by nature, will be distinguished for their love of justice and their devotion to those peaceful arts, the assiduous cultivation of which confers honor upon nations, and gives value to human life. In the mean time, I confidently hope that the apprehensions entertained, that some of the people of these luxuriant regions may be tempted, in a moment of unworthy distrust of their own capacity for the enjoyment of liberty, to commit the too common error of purchasing present repose by bestowing on some favorite leaders the fatal gift of irresponsible power, will not be realized. With all these Governments, and with that of Brazil, no unexpected changes in our relations have occurred during the present year. Frequent causes of just complaint have arisen upon the part of the citizens of the United States; sometimes from the irregular action of the constituted subordinate authorities of the maritime regions, and sometimes from the leaders or partisans of those in arms against the established Governments. In all cases, representations have been, or will be made; and so soon as their political affairs are in a settled position, it is expected that our friendly remonstrances will be followed by adequate redress.

The Government of Mexico made known, in December last, the appointment of commissioners and a surveyor, on its part, to run, in conjunction with ours, the boundary line between its territories and the United States, and excused the delay for the reasons anticipated—the prevalence of civil war. The commissioners and surveyors not having met within the time stipulated by the treaty, a new arrangement became necessary, and our chargé d'affaires was instructed, in January last, to negotiate, at Mexico, an article additional to the pre-existing treaty. This instruction was acknowledged, and no difficulty was apprehended in the accomplishment of that object. By information just received, that additional article to the treaty will be obtained, and transmitted to this country, as soon as it can receive the ratification of the Mexican Congress.

The re-union of the three States of New Granada, Venezuela, and Equador, forming the Republic of Colombia, seems every day to become more improbable. The commissioners of the two first are understood to be now negotiating a just division of the obligations contracted by them when united under one Government. The civil war in Equador, it is believed, has prevented even the appointment of a commissioner on its part.

I propose, at an early day, to submit, in the proper form, the appointment of a diplomatic agent to Venezuela. The importance of the commerce of that country to the United States, and the large claims of our citizens upon the Government, arising before and since the division of Colombia, rendering it, in my judgment, improper longer to delay this step.

Our representatives to Central America, Peru, and Brazil, are either at, or on their way to, their respective posts.

From the Argentine Republic, from which a minister was expected to this Government, nothing further has been heard. Occasion has been taken, on the departure of a new consul to Buenos Ayres, to remind that Government that its long delayed minister, whose appointment had been made known to us, had not arrived.

It becomes my unpleasant duty to inform you that this pacific and highly gratifying picture of our foreign relations does not include those with France at this time. It is not possible that any Government and people could be more sincerely desirous of conciliating a just and friendly intercourse with another nation, than are those of the United States with their ancient ally and friend. This disposition is founded, as well on the most grateful and honorable recollections associated with our struggle for independence, as upon a well grounded conviction that it is consonant with the true policy of both. The people of the United States could not, therefore, see, without the deepest regret, even a temporary interruption of the friendly relations between the two countries—a regret which would, I am sure, be greatly aggravated, if there should turn out to be any reasonable ground for attributing such a result to any act of omission or commission on our part. I derive, therefore, the highest satisfaction from being able to assure you that the whole course of this Government has been characterized by a spirit so conciliatory and forbearing, as to make it impossible that our justice and moderation should be questioned, whatever may be the consequences of a longer perseverance, on the part of the French Government, in her omission to satisfy the conceded claims of our citizens.

The history of the accumulated and unprovoked aggressions upon our commerce, committed by the authority of the existing Governments of France, between the years 1800 and 1817, has been rendered too painfully familiar to Americans to make its repetition either necessary or desirable. It will be sufficient here to remark that there has, for many years, been scarcely a single administration of the French Government by whom the justice and legality of the claims of our citizens to indemnity were not, to a very considerable extent, admitted, and yet near a quarter of a century has been wasted in ineffectual negotiations to secure it.

Deeply sensible of the injurious effects resulting from this state of things upon the interests and character of both nations, I regarded it as among my first duties to cause one more effort to be made to satisfy France that a just and liberal settlement of our claims was as well due to her own honor as to their incontestable validity. The negotiation for this purpose was commenced with the late Government of France, and was prosecuted with such success, as to leave no reasonable ground to doubt that a settlement of a character quite as liberal as that which was subsequently made, would have been effected, had not the revolution, by which the negotiation was cut off, taken place. The discussions were resumed with the present Government, and the result showed that we were not wrong in supposing that an event by which the two Governments were made to approach each other so much nearer in their political principles, and by which the motives for the most liberal and friendly intercourse were so greatly multiplied, could exercise no other than a salutary influence upon the negotiation. After the most deliberate and thorough examination of the whole subject, a treaty between the two Governments was concluded and signed at Paris on the 4th of July, 1831, by which it was stipulated that "the French Government, in order to liberate itself from all the reclamations preferred against it by citizens of the United States, for unlawful seizures, captures, sequestrations, confiscations, or destruction of their vessels, cargoes, or other property, engages to pay a sum of twenty-five millions of francs to the United States, who shall distribute it among those entitled, in the manner and according to the rules it shall determine;" and it was also stipulated on the part of the French Government, that this twenty-five millions of francs should "be paid at Paris in six annual instalments of four million one hundred and sixty-six thousand six hundred and sixty-six francs and sixty-six centimes each, into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The first instalment to be paid "at the expiration of one year next following the exchange of the ratifications of this convention, and the others at successive intervals of a year, one after another, till the whole shall be paid. To the amount of each of the said instalments shall be added interest at four per centum thereupon, as upon the other instalments then remaining unpaid, the said interest to be computed from the day of the exchange of the present convention."

It was also stipulated, on the part of the United States, for the purpose of being completely liberated from all the reclamations presented by France, on behalf of its citizens, that the sum of 1,500,000 francs should be paid to the Government of France, in six annual instalments, to be deducted out of the annual sums which France had agreed to pay, interest thereupon being in like manner computed from the day of the exchange of the ratifications. In addition to this stipulation, important advantages were secured to France by the following article, viz. "The wines of France, from and after the exchange of the ratifications of the present convention, shall be admitted to consumption in the States of the Union, at duties which shall not exceed the following rates by the gallon, (such as it is used at present for wines in the United States,) to wit: six cents for red wines in casks; ten cents for white wines in casks; and twenty-two cents for wines of all sorts in bottles. The proportion existing between the duties on French wines thus reduced, and the general rates of the tariff which went into operation the 1st January, 1829, shall be maintained, in case the Government of the U. States should think proper to diminish those general rates in a new tariff.

In consideration of this stipulation, which shall be binding on the U. States for ten years, the French Government abandons the reclamations which it had formed in relation to the 8th article of the treaty of cession of Louisiana. It engages, moreover, to establish on the *long staple* cottons of the U. States, which, after the exchange of the ratifications of the present convention, shall be brought directly thence to France by the vessels of the U. States, or by French vessels, the same duties as on *short staple* cottons."

This treaty was duly ratified in the manner prescribed by the constitutions of both countries, and the ratification was exchanged at the city of Washington, on the 2d of February, 1832. On account of its commercial stipulations, it was, within five days thereafter, laid before the Congress of the U. States, which proceeded to enact such laws favorable to the commerce of France as were necessary to carry it into full execution; and France has, from that period to the present, been in the unrestricted enjoyment of the valuable privileges that were thus secured to her. The faith of the French nation having been thus solemnly pledged, through its constitutional organ, for the liquidation and ultimate payment of the long deferred claims of our citizens, as also for the adjustment of other points of great and reciprocal benefits to both countries, and the United States having, with a fidelity and promptitude by which their conduct will, I trust, be always characterized, done every thing that was necessary to carry the treaty into full and fair effect on their part, counted, with the most perfect confidence, on equal fidelity and promptitude on the part of the French Government. In this reasonable expectation we have been, I regret to inform you, wholly disappointed. No legislative provision has been made by France for the execution of the treaty, either as it respects the indemnities to be paid, or the commercial benefits to be secured to the United States; and the relations between the United States and that Power, in consequence thereof, are placed in a situation threatening to interrupt the good understanding which has so long and so happily existed between the two nations.

Not only has the French Government been thus wanting in the performance of the stipulations it has so solemnly entered into with the United States, but its omissions have been marked by circumstances which would seem to leave us without satisfactory evidences that such performance will certainly take place at a future period. Advice of the exchange of ratifications reached Paris prior to the 8th April, 1832. The French Chambers were then sitting, and continued in session until the 21st of that month; and although one instalment of the indemnity was payable on the 2d of February, 1833, one year after the exchange of ratifications, no application was made to the Chambers for the required appropriation, and, in consequence of no appropriation having then been made, the draft of the United States Government for that instalment was dishonored by the Minister of Finance, and the United States thereby involved in much controversy. The next session of the Chambers commenced on the 19th November, 1832, and continued until the 25th April, 1833. Notwithstanding the omission to pay the first instalment had been made the subject of earnest remonstrance on our part, the treaty with the United States, and a bill making the necessary appropriations to execute it, were not laid before the Chamber of Deputies until the 6th of April, nearly five months after its meeting, and only nineteen days before the close of the session. The bill was read, and referred to a committee, but there was no further action upon it. The next session of the Chambers commenced on the 26th of April, 1833, and continued until the 26th of June following. A new bill was introduced on the 11th of June, but nothing important was done in relation to it during the session. In the month of April, 1834, nearly three years after the signature of the treaty, the final action of the French Chambers upon the bill to carry the treaty into effect was obtained, and resulted in a refusal of the necessary appropriations. The avowed grounds upon which the bill was rejected, are to be found in the published debates of that body, and no observations of mine can be necessary to satisfy Congress of their utter insufficiency. Although the gross amount of the claims of our citizens is probably greater than will be ultimately allowed by the commissioners, sufficient is, nevertheless, shown, to render it absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of damages, and interest for the detention. That the settlement involved a sacrifice, in this respect, was well known at the time—a sacrifice which was cheerfully acquiesced in by the different branches of the Federal Government, whose action upon the treaty was required, from a sincere desire to avoid further collision upon this old and disturbing subject, and in the confident expectation that the general relations between the two countries would be improved thereby.

The refusal to vote the appropriation, the news of which was received from our minister in Paris about the 15th day of May last, might have been considered the final determination of the French Government not to execute the stipulations of the treaty, and would have justified an immediate communication of the facts toCongress, with a recommendation of such ultimate measures as the interest and honor of the United States might seem to require. But with the news of the refusal of the Chambers to make the appropriation, were conveyed the regrets of the King, and a declaration that a national vessel should be forthwith sent out, with instructions to the French minister to give the most ample explanations of the past, and the strongest assurances for the future. After a long passage, the promised despatch vessel arrived. The pledges given by the French minister, upon receipt of his instructions, were, that as soon after the election of the new members as the charter would permit, the Legislative Chambers of France should be called together, and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his Cabinet should be exerted to accomplish the object; and that the result should be made known early enough to be communicated to Congress at the commencement of the present session. Relying upon these pledges, and not doubting that the acknowledged justice of our claims, the promised exertions of the King and his Cabinet, and, above all, that sacred regard for the national faith and honor for which the French character has been so distinguished, would secure an early execution of the treaty in all its parts, I did not deem it necessary to call the attention of Congress to the subject at the last session.

I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last; and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his Cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked, had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay, our minister in Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances, on the part of the Executive Government of France, of their intention to press the appropriation at the ensuing session of the Chambers.

The executive branch of this Government has, as matters stand, exhausted all the authority upon the subject with which it is invested, and which it had any reason to believe could be beneficially employed.

The idea of acquiescing in the refusal to execute the treaty will not, I am confident, be for a moment entertained by any branch of this Government; and further negotiation upon the subject is equally out of the question.

If it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will, at this session, probably be required at your hands. But if, from the original delay in asking for an appropriation, from the refusal of the Chambers to grant it when asked, from the omission to bring the subject before the Chambers at their last session, from the fact that, including that session, there have been five different occasions when the appropriation might have been made, and from the delay in convoking the Chambers until some weeks after the meeting of Congress, when it was well known that a communication of the whole subject to Congress at the last session was prevented by assurances that it should be disposed of before its present meeting, you should feel yourselves constrained to doubt whether it be the intention of the French Government in all its branches to carry the treaty into effect, and think that such measures as the occasion may be deemed to call for should be now adopted, the important question arises, what those measures shall be.

Our institutions are essentially pacific. Peace and friendly intercourse with all nations are as much the desire of our Government as they are the interest of our people. But these objects are not to be permanently secured, by surrendering the rights of our citizens, or permitting solemn treaties for their indemnity in cases of flagrant wrong, to be abrogated or set aside.

It is undoubtedly in the power of Congress seriously to affect the agricultural and manufacturing interests of France by the passage of laws relating to her trade with the United States. Her products, manufactures, and tonnage, may be subjected to heavy duties in our ports, or all commercial intercourse with her may be suspended. But there are powerful, and, to my mind, conclusive objections to this mode of proceeding. We cannot embarrass or cut off the trade of France, without, at the same time, in some degree, embarrassing or cutting off our own trade. The injury of such a warfare must fall, though unequally, upon our own citizens, and could not but impair the means of the Government, and weaken that united sentiment in support of the rights and honor of the nation which must now pervade every bosom. Nor is it impossible that such a course of legislation would introduce once more into our national councils those disturbing questions in relation to the tariff of duties which have been so recently put to rest. Besides, by every measure adopted by the Government of the United States with the view of injuring France, the clear perception of right which will induce our own people, and the rulers and people of all other nations, even of France herself, to pronounce our quarrel just, will be obscured, and the support rendered to us in a final resort to more decisive measures will be more limited and equivocal. There is but one point in the controversy, and upon that the whole civilized world must pronounce France to be in the wrong. We insist that she shall pay us a sum of money, which she has acknowledged to be due; and of the justice of this demand there can be but one opinion among mankind. True policy would seem to dictate that the question at issue should be kept thus disencumbered, and that not the slightest pretence should be given to France to persist in her refusal to make payment, by any act on our part affecting the interests of her people. The question should be left as it is now, in such an attitude that, when France fulfils her treaty stipulations, all controversy will be at an end.

It is my conviction that the United States ought to insist on a prompt execution of the treaty, and, in case it be refused, or longer delayed, take redress into their own hands. After the delay on the part of France of a quarter of a century in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to the other, its citizens or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself, towards Portugal, under circumstances less unquestionable.

The time at which resort should be had to this, or any other mode of redress, is a point to be decided by Congress. If an appropriation shall not be made by the French Chambers at their next session, it may justly be concluded that the Government of France has finally determined to disregard its own solemn undertaking, and refuse to pay an acknowledged debt. In that event, every day's delay on our part will be a stain upon our national honor, as well as a denial of justice to our injured citizens. Prompt measures, when the refusal of France shall be complete, will not only be most honorable and just, but will have the best effect upon our national character.

Since France, in violation of the pledges given through her minister here, has delayed her final action so long that her decision will not probably be known in time to be communicated to this Congress, I recommend that a law be passed, authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. Such a measure ought not to be considered by France as a menace. Her pride and power are too well known to expect any thing from her fears, and preclude the necessity of a declaration that nothing partaking of the character of intimidation is intended by us. She ought to look upon it as the evidence only of an inflexible determination on the part of the United States to insist on their rights. That Government, by doing only what it has itself acknowledged to be just, will be able to spare the United States the necessity of taking redress into their own hands, and save the property of French citizens from that seizure and sequestration which American citizens so long endured without retaliation or redress. If she should continue to refuse that act of acknowledged justice, and, in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations, and to the retributive judgments of Heaven.

Collision with France is the more to be regretted, on account of the position she occupies in Europe in relation to liberal institutions. But, in maintaining our national rights and honor, all Governments are alike to us. If, by a collision with France, in a case where she is clearly in the wrong, the march of liberal principles shall be impeded, the responsibility for that result, as well as every other, will rest on her own head.

Having submitted these considerations, it belongs to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do.

According to the estimates of the Treasury Department, the revenue accruing from all sources, during the present year, will amount to twenty million six hundred and twenty-four thousand seven hundred and seventeen dollars, which, with the balance remaining in the Treasury on the 1st of January last, of eleven million seven hundred and two thousand nine hundred and five dollars, produces an aggregate of thirty-two million three hundred and twenty-seven thousand six hundred and twenty-three dollars. The total expenditure during the year for all objects, including the public debt, is estimated at twenty-five million five hundred and ninety-one thousand three hundred and ninety dollars, which will leave a balance in the Treasury on the 1st of January, 1835, of six million seven hundred and thirty-six thousand two hundred and thirty-two dollars. In this balance, however, will be included about one million one hundred and fifty thousand dollars of what was heretofore reported by the department as not effective.

Of former appropriations, it is estimated that there will remain unexpended at the close of the year, eight million two thousand nine hundred and twenty-five dollars; and that, of this sum, there will not be required more than five million one hundred and forty-one thousand nine hundred and sixty-four dollars, to accomplish the objects of all the current appropriations. Thus it appears that, after satisfying all those appropriations, and after discharging the last item of our public debt, which will be done on the 1st of January next, there will remain unexpended in the Treasury an effective balance of about four hundred and forty thousand dollars. That such should be the aspect of our finances, is highly flattering to the industry and enterprise of our population, and auspicious of the wealth and prosperity which await the future cultivation of their growing resources. It is not deemed prudent, however, to recommend any change for the present in our impost rates, the effect of the gradual reduction now in progress in many of them not being sufficiently tested to guide us in determining the precise amount of revenue which they will produce.

Free from public debt, at peace with all the world, and with no complicated interests to consult in our intercourse with foreign Powers, the present may be hailed as that epoch in our history the most favorable for the settlement of those principles in our domestic policy, which shall be best calculated to give stability to our republic, and secure the blessings of freedom to our citizens. Among these principles, from our past experience, it cannot be doubted that simplicity in the character of the Federal Government, and a rigid economy in its administration, should be regarded as fundamental and sacred. All must be sensible that the existence of the public debt, by rendering taxation necessary for its extinguishment, has increased the difficulties which are inseparable from any exercise of the taxing power; and that it was, in this respect, a remote agent in producing those disturbing questions which grew out of the discussions relating to the tariff. If such has been the tendency of a debt incurred in the acquisition and maintenance of our national rights and liberties, the obligation of which all portions of the Union cheerfully acknowledged, it must be obvious, that whatever is calculated to increase the burdens of Government without necessity, must be fatal to all our hopes of preserving its true character. While we are felicitating ourselves, therefore, upon the extinguishment of the national debt, and the prosperous state of our finances, let us not be tempted to depart from those sound maxims of public policy, which enjoin a just adaptation of the revenue to the expenditures that are consistent with a rigid economy, and an entire abstinence from all topics of legislation that are not clearly within the constitutional powers of the Government, and suggested by the wants of the country. Properly regarded, under such a policy, every diminution of the public burdens arising from taxation, gives to individual enterprise increased power, and furnishes to all the members of our happy confederacy new motives for patriotic affection and support. But, above all, its most important effect will be found in its influence upon the character of the Government, by confining its action to those objects which will be sure to secure to it the attachment and support of our fellow-citizens.

Circumstances make it my duty to call the attention of Congress to the Bank of the United States. Created for the convenience of the Government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest—the extraordinary extension and contraction of its accommodations to the community—its corrupt and partisan loans—its exclusion of the public directors from a knowledge of its most important proceedings—the unlimited authority conferred on the president to expend its funds in hiring writers, and procuring the execution of printing, and the use made of that authority—the retention of the pension money and books after the selection of new agents—the groundless claim to heavy damages, in consequence of the protest of the bill drawn on the French Government, have, through various channels, been laid before Congress. Immediately after the close of the last session, the Bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment, and the interruption of domestic exchanges, which it had practised upon from the 1st of August, 1833, to the 30th June, 1834, and to extend its accommodations to the community. The grounds assumed in this annunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the Bank, and had been persisted in merely to induce Congress to grant the prayer of the Bank in its memorial relative to the removal of the deposites, and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months, had been needlessly produced by it, with the view of affecting, through the sufferings of the people, the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the infliction; that the energies of our people soon found relief from this wanton tyranny, in vast importations of the precious metals from almost every part of the world; and that, at the close of this tremendous effort to control our Government, the Bank found itself powerless, and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries; so that, on the 1st of October last, the extraordinary spectacle was presented of a National Bank, more than one-half of whose capital was either lying unproductive in its vaults, or in the hands of foreign bankers.

To the needless distresses brought on the country during the last session of Congress, has since been added the open seizure of the dividends on the public stock, to the amount of one hundred and seventy thousand and forty-one dollars, under pretence of paying damages, cost, and interest, upon the protested French bill. This sum constituted a portion of the estimated revenues for the year 1834, upon which the appropriations made by Congress were based. It would as soon have been expected that our collectors would seize on the customs, or the receivers of our land offices on the moneys arising from the sale of public lands, under pretences of claims against the United States, as that the Bank would have retained the dividends. Indeed, if the principle be established; that any one who chooses to set up a claim against the United States may, without authority of law, seize on the public property or money, wherever he can find it, to pay such claim, there will remain no assurance that our revenue will reach the Treasury, or that it will be applied, after the appropriation, to the purposes designated in the law. The paymasters of our army, and the pursers of our navy, may, under like pretences, apply to their own use moneys appropriated to set in motion the public force, and in time of war leave the country without defence. This measure, resorted to by the Bank, is disorganizing and revolutionary, and, if generally resorted to by private citizens in like cases, would fill the land with anarchy and violence.

It is a constitutional provision, that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." The palpable object of this provision is to prevent the expenditure of the public money, for any purpose whatsoever, which shall not have been first approved by the representatives of the people and the States, in Congress assembled. It vests the power of declaring for what purposes the public money shall be expended in the Legislative Department of the Government, to the exclusion of the Executive and Judicial; and it is not within the constitutional authority of either of those departments to pay it away without law, or to sanction its payment. According to this plain constitutional provision, the claim of the Bank can never be paid without an appropriation by act of Congress. But the Bank has never asked for an appropriation. It attempts to defeat the provision of the constitution, and obtain payment without an act of Congress. Instead of awaiting an appropriation passed by both Houses, and approved by the President, it makes an appropriation for itself, and invites an appeal to the Judiciary to sanction it. That the money had not technically been paid into the Treasury, does not affect the principle intended to be established by the constitution. The Executive and Judiciary have as little right to appropriate and expend the public money without authority of law, before it is placed to the credit of the Treasurer, as to take it from the Treasury. In the annual report of the Secretary of the Treasury, and in his correspondence with the president of the Bank, and the opinions of the Attorney General accompanying it, you will find a further examination of the claims of the Bank, and the course it has pursued.

It seems due to the safety of the public funds remaining in that Bank, and to the honor of the American people, that measures be taken to separate the Government entirely from an institution so mischievous to the public prosperity, and so regardless of the constitution and laws. By transferring the public deposites; by appointing other pension agents, as far as it had the power; by ordering the discontinuance of the receipt of Bank checks in payment of the public dues after the first day of January next, the Executive has exerted all its lawful authority to sever the connexion between the Government and this faithless corporation.

The high-handed career of this institution imposes upon the constitutional functionaries of this Government, duties of the gravest and most imperative character—duties which they cannot avoid, and from which, I trust, there will be no inclination on the part of any of them to shrink. My own sense of them is most clear, as is also my readiness to discharge those which may rightfully fall on me. To continue any business relations with the Bank of the United States, that may be avoided without a violation of the national faith, after that institution has set at open defiance the conceded right of the Government to examine its affairs; after it has done all in its power to deride the public authority in other respects, and to bring it into disrepute at home and abroad; after it has attempted to defeat the clearly expressed will of the people, by turning against them the immense power entrusted to its hands, and, by involving a country, otherwise peaceful, flourishing, and happy, in dissension, embarrassment, and distress, would make the nation itself a party to the degradation so sedulously prepared for its public agents, and do much to destroy the confidence of mankind in popular Governments, and to bring into contempt their authority and efficiency. In guarding against an evil of such magnitude, considerations of temporary convenience should be thrown out of the question, and we should be influenced by such motives only as look to the honor and preservation of the republican system. Deeply and solemnly impressed with the justice of these views, I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock; that the provision of the charter requiring the receipt of notes of the Bank in payment of public dues, shall, in accordance with the power reserved to Congress in the 14th section of the charter, be suspended until the Bank pays to the Treasury the dividends withheld; and that all laws connecting the Government or its officers with the Bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means.

Events have satisfied my mind, and I think the minds of the American people, that the mischiefs and dangers which flow from a National Bank far overbalance all its advantages. The bold effort the present Bank has made to control the Government, the distresses it has wantonly produced, the violence of which it has been the occasion in one of our cities famed for its observance of law and order, are but premonitions of the fate which awaits the American people should they be deluded into a perpetuation of this institution, or the establishment of another like it. It is fervently hoped that, thus admonished, those who have heretofore favored the establishment of a substitute for the present Bank, will be induced to abandon it, as it is evidently better to incur any inconvenience that may be reasonably expected, than to concentrate the whole moneyed power of the republic in any form whatsoever, or under any restrictions.

Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves, and discharged all these duties, while the Bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations, when that enemy shall cease to exist.

The attention of Congress is earnestly invited to the regulation of the deposites in the State banks, by law. Although the power now exercised by the Executive Department in this behalf is only such as was uniformly exerted through every administration, from the origin of the Government up to the establishment of the present Bank, yet, it is one which is susceptible of regulation by law, and, therefore, ought so to be regulated. The power of Congress to direct in what places the Treasurer shall keep the moneys in the Treasury, and to impose restrictions upon the Executive authority in relation to their custody and removal, is unlimited, and its exercise will rather be courted than discouraged by those public officers and agents on whom rests the responsibility for their safety. It is desirable that as little power as possible should be left to the President or Secretary of the Treasury over those institutions; which, being thus freed from Executive influence, and without a common head to direct their operations, would have neither the temptation nor the ability to interfere in the political conflicts of the country. Not deriving their charters from the national authorities, they would never have those inducements to meddle in general elections, which have led the Bank of the United States to agitate and convulse the country for upwards of two years.

The progress of our gold coinage is creditable to the officers of the mint, and promises in a short period to furnish the country with a sound and portable currency, which will much diminish the inconvenience to travellers of the want of a general paper currency, should the State banks be incapable of furnishing it. Those institutions have already shown themselves competent to purchase and furnish domestic exchange for the convenience of trade, at reasonable rates, and not a doubt is entertained that, in a short period, all the wants of the country in bank accommodations and in exchange will be supplied as promptly and cheaply as they have heretofore been by the Bank of the United States. If the several States shall be induced gradually to reform their banking systems, and prohibit the issue of all small notes, we shall, in a few years, have a currency as sound, and as little liable to fluctuations, as any other commercial country.

The report of the Secretary of War, together with the accompanying documents from the several bureaux of that department, will exhibit the situation of the various objects committed to its administration.

No event has occurred since your last session rendering necessary any movements of the army, with the exception of the expedition of the regiment of dragoons into the territory of the wandering and predatory tribes inhabiting the western frontier, and living adjacent to the Mexican boundary. These tribes have been heretofore known to us principally by their attacks upon our own citizens, and upon other Indians entitled to the protection of the United States. It became necessary for the peace of the frontiers to check these habitual inroads, and I am happy to inform you that the object has been effected without the commission of any act of hostility. Colonel Dodge, and the troops under his command, have acted with equal firmness and humanity, and an arrangement has been made with those Indians, which it is hoped will assure their permanent pacific relations with the United States and the other tribes of Indians upon that border. It is to be regretted that the prevalence of sickness in that quarter has deprived the country of a number of valuable lives, and particularly that General Leavenworth, an officer well known and esteemed for his gallant services during the late war, and for subsequent good conduct, has fallen a victim to his zeal and exertions in the discharge of his duty.

The army is in a high state of discipline. Its moral condition, so far as that is known here, is good, and the various branches of the public service are carefully attended to. It is amply sufficient, under its present organization, for providing the necessary garrisons for the seaboard and for the defence of the internal frontier, and also for preserving the elements of military knowledge, and for keeping pace with those improvements which modern experience is continually making. And these objects appear to me to embrace all the legitimate purposes for which a permanent military force should be maintained in our country. The lessons of history teach us its danger, and the tendency which exists to an increase. This can be best met and averted by a just caution on the part of the public itself, and of those who represent them in Congress.

From the duties which devolve on the Engineer Department, and upon the Topographical Engineers, a different organization seems to be demanded by the public interest, and I recommend the subject to your consideration.

No important change has, during this season, taken place in the condition of the Indians. Arrangements are in progress for the removal of the Creeks, and will soon be for the removal of the Seminoles. I regret that the Cherokees east of the Mississippi have not yet determined to remove. How long the personal causes which have hitherto retarded that ultimately inevitable measure, will continue to operate, I am unable to conjecture. It is certain, however, that delay will bring with it accumulated evils, which will render their condition more and more unpleasant. The experience of every year adds to the conviction that emigration, and that alone, can preserve from destruction the remnant of the tribes yet living among us. The facility with which the necessaries of life are procured, and the treaty stipulations providing aid for the emigrant Indians in their agricultural pursuits, and in the important concern of education, and their removal from those causes which have heretofore depressed all and destroyed many of the tribes, cannot fail to stimulate their exertions and to reward their industry.

The two laws passed at the last session of Congress on the subject of Indian affairs, have been carried into effect, and detailed instructions for their administration have been given. It will be seen by the estimates for the present session that a great reduction will take place in the expenditures of the department in consequence of these laws. And there is reason to believe that their operation will be salutary, and that the colonization of the Indians on the western frontier, together with a judicious system of administration, will still further reduce the expenses of this branch of the public service, and at the same time promote its usefulness and efficiency.

Circumstances have been recently developed, showing the existence of extensive frauds under the various laws granting pensions and gratuities for revolutionary services. It is impossible to estimate the amount which may have been thus fraudulently obtained from the National Treasury. I am satisfied, however, it has been such as to justify a re-examination of the system, and the adoption of the necessary checks in its administration. All will agree, that the services and sufferings of the remnant of our revolutionary band should be fully compensated. But while this is done, every proper precaution should be taken to prevent the admission of fabricated and fraudulent claims. In the present mode of proceeding, the attestations and certificates of the judicial officers of the various States, form a considerable portion of the checks which are interposed against the commission of frauds. These, however, have been, and may be, fabricated, and in such a way as to elude detection at the examining offices. And independently of this practical difficulty, it is ascertained that these documents are often loosely granted; sometimes even blank certificates have been issued; sometimes prepared papers have been signed without inquiry; and, in one instance at least, the seal of the court has been within reach of a person most interested in its improper application. It is obvious that, under such circumstances, no severity of administration can check the abuse of the law; and information has, from time to time, been communicated to the Pension Office, questioning or denying the right of persons placed upon the pension list, to the bounty of the country. Such cautions are always attended to, and examined. But a far more general investigation is called for. And I therefore recommend, in conformity with the suggestion of the Secretary of War, that an actual inspection should be made, in each State, into the circumstances and claims of every person now drawing a pension. The honest veteran has nothing to fear from such a scrutiny, while the fraudulent claimant will be detected, and the public treasury relieved to an amount, I have reason to believe, far greater than has heretofore been suspected. The details of such a plan could be so regulated as to interpose the necessary checks, without any burdensome operation upon the pensioners. The object should be twofold:

1. To look into the original justice of the claims, so far as this can be done under a proper system of regulations, by an examination of the claimants themselves, and by inquiring, in the vicinity of their residence, into their history, and into the opinion entertained of their revolutionary services.

2. To ascertain, in all cases, whether the original claimant is living, and this by actual personal inspection.

This measure will, if adopted, be productive, I think, of the desired results, and I therefore recommend it to your consideration, with the further suggestion, that all payments should be suspended till the necessary reports are received.

It will be seen, by a tabular statement annexed to the documents transmitted to Congress, that the appropriations for objects connected with the War Department, made at the last session, for the service of the year 1834, excluding the permanent appropriation for the payment of military gratuities under the act of June 7, 1832, the appropriation of two hundred thousand dollars for arming and equipping the militia, and the appropriation of ten thousand dollars for the civilization of the Indians, which are not annually renewed, amounted to the sum of nine million three thousand two hundred and sixty-one dollars, and that the estimates of appropriations necessary for the same branch of service, for the year 1835 amount to the sum of five million seven hundred and seventy-eight thousand nine hundred and sixty-four dollars, making a difference in the appropriations of the current year over the estimates of appropriations for the next, of three million two hundred and twenty-four thousand two hundred and ninety-seven dollars.

The principal causes which have operated at this time to produce this great difference, are shown in the reports and documents, and in the detailed estimates. Some of these causes are accidental and temporary, while others are permanent, and, aided by a just course of administration, may continue to operate beneficially upon the public expenditures.

A just economy, expending where the public service requires, and withholding where it does not, is among the indispensable duties of the Government.

I refer you to the accompanying report of the Secretary of the Navy, and to the documents with it, for a full view of the operations of that important branch of our service, during the present year. It will be seen that the wisdom and liberality with which Congress have provided for the gradual increase of our navy material, have been seconded by a corresponding zeal and fidelity on the part of those to whom has been confided the execution of the laws on the subject, and that but a short period would now be required to put in commission a force large enough for any exigency into which the country may be thrown.

When we reflect upon our position in relation to other nations, it must be apparent that, in the event of conflicts with them, we must look chiefly to our navy for the protection of our national rights. The wide seas which separate us from other Governments, must of necessity be the theatre on which an enemy will aim to assail us, and, unless we are prepared to meet him on this element, we cannot be said to possess the power requisite to repel or prevent aggressions. We cannot, therefore, watch with too much attention this arm of our defence, or cherish with too much care the means by which it can possess the necessary efficiency and extension. To this end our policy has been heretofore wisely directed to the constant employment of a force sufficient to guard our commerce, and to the rapid accumulation of the materials, which are necessary to repair our vessels, and construct with ease such new ones as may be required in a state of war.

In accordance with this policy, I recommend to your consideration the erection of the additional dry dock described by the Secretary of the Navy, and also the construction of the steam batteries to which he has referred, for the purpose of testing their efficiency as auxiliaries to the system of defence now in use.

The report of the Postmaster General, herewith submitted, exhibits the condition and prospects of that department. From that document, it appears that there was a deficit in the funds of the department, at the commencement of the present year, beyond its available means, of three hundred and fifteen thousand five hundred and ninety-nine dollars and ninety-eight cents, which, on the 1st of July last, had been reduced to two hundred and sixty-eight thousand and ninety-two dollars and seventy-four cents. It appears, also, that the revenues for the coming year will exceed the expenditures about two hundred and seventy thousand dollars, which, with the excess of revenue which will result from the operations of the current half year, may be expected, independently of any increase in the gross amount of postages, to supply the entire deficit before the end of 1835. But as this calculation is based on the gross amount of postages which had accrued within the period embraced by the times of striking the balances, it is obvious that, without a progressive increase in the amount of postages, the existing retrenchments must be persevered in through the year 1836, that the department may accumulate a surplus fund sufficient to place it in a condition of perfect ease.

It will be observed that the revenues of the Post Office Department, though they have increased, and their amount is above that of any former year, have yet fallen short of the estimates more than a hundred thousand dollars. This is attributed, in a great degree, to the increase of free letters growing out of the extension and abuse of the franking privilege. There has been a gradual increase in the number of executive officers to which it has been granted; and, by an act passed in March, 1833, it was extended to members of Congress throughout the whole year. It is believed that a revision of the laws relative to the franking privilege, with some enactments to enforce more rigidly the restriction under which it is granted, would operate beneficially to the country, by enabling the department, at an earlier period, to restore the mail facilities that have been withdrawn, and to extend them more widely as the growing settlements of the country may require.

To a measure so important to the Government, and so just to our constituents, who ask no exclusive privileges for themselves, and are not willing to concede them to others, I earnestly recommend the serious attention of Congress.

The importance of the Post Office Department, and the magnitude to which it has grown, both in its revenues and in its operations, seem to demand its reorganization by law. The whole of its receipts and disbursements have hitherto been left entirely to Executive control and individual discretion. The principle is as sound in relation to this as to any other department of the Government, that as little discretion should be confided to the executive officer who controls it, as is compatible with its efficiency. It is therefore earnestly recommended that it be organized with an Auditor and Treasurer of its own, appointed by the President and Senate, who shall be branches of the Treasury Department.

Your attention is again respectfully invited to the defect which exists in the judicial system of the United States. Nothing can be more desirable than the uniform operation of the Federal Judiciary throughout the several States, all of which, standing on the same footing as members of the Union, have equal rights to the advantages and benefits resulting from its laws. This object is not attained by the judicial acts now in force, because they leave one-fourth of the States without circuit courts.

It is undoubtedly the duty of Congress to place all the States on the same footing in this respect, either by the creation of an additional number of associate judges, or by an enlargement of the circuits assigned to those already appointed, so as to include the new States. Whatever may be the difficulty in a proper organization of the judicial system, so as to secure its efficiency and uniformity in all parts of the Union, and at the same time to avoid such an increase of judges as would encumber the supreme appellate tribunal, it should not be allowed to weigh against the great injustice which the present operation of the system produces.

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention, in regard to the mode of electing the President and Vice President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure, in all contingencies, that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either four or six years, I think our liberties would possess an additional safeguard.

At your last session I called the attention of Congress to the destruction of the public building occupied by the Treasury Department. As the public interest requires that another building should be erected, with as little delay as possible, it is hoped that the means will be seasonably provided, and that they will be ample enough to authorize such an enlargement and improvement in the plan of the building as will more effectually accommodate the public officers, and secure the public documents deposited in it from the casualties of fire.

I have not been able to satisfy myself that the bill entitled "An act to improve the navigation of the Wabash river," which was sent to me at the close of your last session, ought to pass, and I have, therefore, withheld from it my approval, and now return it to the Senate, the body in which it originated.

There can be no question connected with the administration of public affairs, more important or more difficult to be satisfactorily dealt with, than that which relates to the rightful authority and proper action of the Federal Government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

I have heretofore communicated freely with Congress upon this subject; and, in adverting to it again, I cannot refrain from expressing my increased conviction of its extreme importance, as well in regard to its bearing upon the maintenance of the constitution, and the prudent management of the public revenue, as on account of its disturbing effect upon the harmony of the Union.

We are in no danger from violations of the constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character, will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts which, instead of menacing the vengeance of offended authority, proffer local advantages, and bring in their train the patronage of the Government, we are, I fear, not so safe. To suppose that because our Government has been instituted for the benefit of the people, it must therefore have the power to do whatever may seem to conduce to the public good, is an error, into which even honest minds are too apt to fall. In yielding themselves to this fallacy, they overlook the great considerations in which the Federal Constitution was founded. They forget that, in consequence of the conceded diversities in the interest and condition of the different States, it was foreseen, at the period of its adoption, that although a particular measure of the Government might be beneficial and proper in one State, it might be the reverse in another—that it was for this reason the States would not consent to make a grant to the Federal Government of the general and usual powers of Government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget also the paramount obligation upon all to abide by the compact, then so solemnly, and, as it was hoped, so firmly established. In addition to the dangers to the constitution, springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants it is not surprising that the acts and pretensions of the Federal Government in this behalf should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related—

1st. To the power of making internal improvements within the limits of a State, with the right of territorial jurisdiction, sufficient at least for their preservation and use.

2d. To the right of appropriating money in aid of such works when carried on by a State, or by a company in virtue of State authority, surrendering the claim of jurisdiction; and

3d. To the propriety of appropriations for improvements of a particular class, viz. for light-houses, beacons, buoys, public piers, and for the removal of sand bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

The claims of power for the General Government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys, common to all, there is superadded to that the conflicting jurisdictions of the respective Governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the constitution. That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the State and Federal Governments, in the absence of a constitutional provision marking out their respective boundaries, cannot be doubted. The local advantages to be obtained would induce the States to overlook, in the beginning, the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the Federal Government would soon be regarded with jealousy by the State authorities, and, originating as they must from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with State sovereignty would be increased, and those barriers which resist the tendency of our system towards consolidation greatly weakened. The officers and agents of the General Government might not always have the discretion to abstain from intermeddling with State concerns; and if they did, they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up ; that harmony which should ever exist between the General Government and each member of the confederacy, would be frequently interrupted ; a spirit of contention would be engendered, and the dangers of disunion greatly multiplied.

Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the Federal Government in works of internal improvement, prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company, passed the two Houses, there had been reported, by the Committees on Internal Improvements, bills containing appropriations for such objects, inclusive of those for the Cumberland road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this Government. In addition to these projects, which had been presented to the two Houses under the sanction and recommendation of their respective Committees on Internal Improvements, there were then still pending before the committees, and in memorials presented, but not referred, different projects for works of a similar character, the expense of which cannot be estimated with certainty, but must have exceeded one hundred millions of dollars.

Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system, which, however weak at first, might soon become strong enough to rive the bands of the Union asunder, and believing that, if its passage was acquiesced in by the Executive and the people, there would no longer be any limitation upon the authority of the General Government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the Executive approval. Although, from the obviously local character of that work, I might well have contented myself with a refusal to approve the bill upon that ground, yet, sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress, and by my constituents, I felt it my duty to go further. I therefore embraced that early occasion to apprise Congress that, in my opinion, the constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a State, and to say, respectfully, that no bill admitting such a power could receive my official sanction. I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two Houses and myself, and that the harmonious action of the several departments of the Federal Government in regard to it would be ultimately secured.

So far at least as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt, within my recollection, has been made to induce Congress to exercise this power. The applications for the construction of roads and canals, which were formerly multiplied upon your files, are no longer presented; and we have good reason to infer that the current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much at least has been secured upon this important and embarrassing subject.

From attempts to appropriate the national funds to objects which are confessedly of a local character, we cannot, I trust, have any thing further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character, and prosecuted under State authority, assuming that Congress have the right to do so, were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville Road bill.

So thoroughly convinced am I that no such appropriations ought to be made by Congress, until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the Executive sanction to any bill containing such an appropriation. If the people of the United States desire that the public treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the constitution, prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of Government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred. I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce. The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that at the first session of Congress under the new constitution, it was provided, by law, that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support, and maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the Treasury of the United States; and, further, that it should be the duty of the Secretary of the Treasury to provide, by contracts, with the approbation of the President, for rebuilding, when necessary, and keeping in good repair the light-houses, beacons, buoys, and public piers, in the several States, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present, without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multipled and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses; the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant, and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority of Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrassment may be caused to the Executive Department in its execution, by appropriations for remote, and not well understood, objects. But as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An act to improve the navigation of the Wabash river;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen, entertaining my opinions, could desire.

I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated for a correct appreciation of my motives in interposing, as I have done, on this, and other occasions, checks to a course of legislation which, without, in the slightest degree, calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them cannot be reasonably expected. The attempt will meet with resistance, where it might otherwise receive support, and, instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion.

ANDREW JACKSON.

December 1, 1834.

DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE.

REPORT OF THE SECRETARY OF WAR.

War Department, Nov 27, 1834.

To the President of the United States:

Sir: The annual period for submitting to you a statement of the proceedings of this Department having arrived, I have the honor, in conformity with your instructions, to lay before you an abstract of its operations, together with the reports and estimates from the various bureaux, exhibiting the condition of those branches of the public service connected with its administration.

Since my last annual report, no military movement of any importance, with the exception of the expedition of the regiment of dragoons, has been rendered necessary. The reports and information which have reached the Department respecting the situation of the Army are highly gratifying. In its discipline, its moral character, and the general performance of its duties, the Government and the country have every reason to be satisfied with its condition and prospects. As a safeguard for the frontiers, as a school of practical instruction, as a depository of military information, and as the means of preparing and providing in peace for the exigencies of war, the present military establishment has fully answered the objects of its organization and support. And it is but an act of justice to state that, in all the essential requisites of capacity and conduct, the officers of the American Army do honor to themselves and their country.

It is known to you that some of the Western tribes of Indians, roaming through the extensive prairies West of Arkansas and Missouri, particularly the Camanches and Kiawas, have, for some years, interrupted the peace of that quarter by predatory attacks upon our citizens, and upon the indigenous and emigrant Indians whom we are under obligations to protect. Their war parties have annoyed our citizens in their intercourse with the Mexican States, and have rendered the communication difficult and hazardous. It became necessary to put a stop to this state of things, either by amicable representations or by force. Those remote tribes have little knowledge of the strength of the United States, or of their own relative weakness, and it was hoped that the display of a respectable military force, for the first time in their country, would satisfy them that further hostilities would lead to their destruction.

The dragoons being peculiarly adapted to this service, were ordered to penetrate into that region, and to endeavor, by peaceable remonstrances, to establish permanent tranquillity; and, if these should fail, to repel any hostile demonstrations which might be made. Fortunately, the efforts to introduce amicable relations were successful, and the object of the expedition was obtained without a single act of hostility. Colonel Dodge, who led the expedition, and his whole command, appear to have performed their duties in the most satisfactory manner; and they encountered, with firmness, the privations incident to the harassing service upon which they were ordered. It is to be regretted that the prevalence of sickness prevented the whole regiment from joining in this duty, as the same zeal for the public interest pervaded the whole; that sickness deprived the country of some valuable lives, and, among others, of Brigadier General Leavenworth. Impelled by his anxiety to forward the views of the Government, he exposed himself, while yet weak, to the hardships of the border campaign, and sunk under the malady which these induced. His high personal character, his services during the late war, and his exemplary official conduct since, are too well known to you to require from me any thing more than this brief allusion to his worth and fate.

Among the accompanying documents will be found a full statement of the proceedings of Col. Dodge, and of the satisfactory result of his expedition.

The report of the Chief Engineer contains a summary of the various objects entrusted to his supervision, and of their progress and condition. It will be seen that the Cumberland road, East of Wheeling, will be soon completed in the manner required by an act of last session, and for the amount allowed by law. No further appropriation will be asked for. As much progress has been made in the other works, as the advanced state of the season when the appropriations were made would permit.

I beg leave to ask your particular attention to that part of the report of the Chief Engineer, which recommends an addition to the number of officers of his corps. I believe the public service requires this measure. New duties have recently been imposed upon the Engineer corps, by express acts of Congress; while, in other cases, it has been found necessary, by executive regulation, to require from the officers services not originally contemplated in the organization of the department. The erection of fortifications, the construction of roads, the establishment of fixed points by astronomical observations in boundary lines, and the improvement of harbors and rivers, are among the objects committed to the Engineer officers. And I feel bound to report to you, that, as far as my observation or information has extended, their duties have been performed in the most satisfactory and exemplary manner. In scientific acquirements, and in their practical application, these officers are deserving of high commendation, and it is very desirable that their numbers should be so far augmented, as to insure their personal attention to all the objects within the control of the Engineer Department. This cannot now be done; and the public service suffers in consequence of it.

Similar reasons call for a re-organization of the topographical corps, and the officer at the head of it has submitted a *projet* for this purpose; which, while it will render that corps more efficient, will not increase the public expense. I ask for it your favorable consideration. The duties connected with this branch of the service require peculiar attainments, and great practical experience. They can best be performed by officers devoting their whole time and attention to the subject. A system of detail requiring periodical changes, however proper it may be with relation to a just routine of military duties, so long as temporary assistants are selected from, and continued in the line of the army, it is still not calculated to ensure the best execution of the functions appropriately belonging to the topographical engineers. The remedy would be to remodel the corps, and permanently to attach to it as many officers as may be necessary; and, by consolidating with it the civil engineers, the general operations would be simplified, and the duties of the corps might embrace all the objects connected with surveys for civil or military purposes. There is in this corps a fund of experience and information, which cannot but be useful to the country.

It will be seen, by adverting to the report of the officer in charge of the Topographical Bureau, that difficulties have occurred in the execution of the joint resolution of Congress, passed at the last session, and providing for the construction of a railroad through the public grounds at Harper's Ferry. Some modification will be necessary, before the object of Congress and of the Company can be attained; and this may probably be effected by requiring the latter to pay the value of any improvements injured by the road; or by giving authority to replace them in other positions, should they be deemed of sufficient importance to require being paid for or removed.

The present condition of the work at the Delaware Breakwater, is shown in the report of the Quartermaster General, and in that of the commission lately instituted by your orders to examine it. It has been known, for some time, that gradual depositions were making in the vicinity of this work, by which the depth of water was somewhat reduced; but, until this season, the process was so slow and uncertain, that no anxiety was felt with respect to its final effect upon this great national improvement. Recently, however, the accumulation of sand in the artificial harbor has been much more rapid, and indicated the necessity of a thorough examination by scientific persons, in order to ascertain, if possible, the causes of this occurrence, and to check or obviate them. The views of the officers selected for this purpose will be found in their report, and, agreeably to your directions, they have been adopted by the Department. An estimate for one hundred thousand dollars, to be applied to this work, is among the annual estimates of the Department, and, if approved by Congress, that sum will be appropriated in the manner pointed out by the report, to the completion of that part of the work already begun, and yet unfinished. In the mean time, by a series of observations frequently and carefully taken, the probable operation of the tides and currents may be ascertained, and the best remedy to counteract them pointed out.

The act of March 2d, 1829, "to continue the present mode of supplying the army of the United States," expires, by its own limitation, on the 2d of March next. The Subsistence Department, which was continued by this act, has been found highly useful to the army and beneficial to the public, by the efficiency and economy of its administration. From my own knowledge of its officers and operations, as well as from what I have otherwise learned of these, I feel called upon to present this subject particularly to your attention, satisfied that the continuance of the department is demanded by the best interests of the service.

The reports of the Major General, and of the other heads of bureaux, will communicate all necessary information in relation to subjects respectively committed to them. I am not aware that there is any particular matter requiring your special attention. These reports are satisfactory in the views they exhibit of the course of administration, and of the reduced expenditures which are required for the service of the coming year.

At the last session of Congress, so much of the laws as authorises the conferring of brevets for ten years' service in one grade was repealed, and the nominations of all officers, who had completed that term prior to the repeal, was confirmed. This change seems to bear with some severity upon those who had served during the greater portion, tho' not the whole, of such term. The existing laws, and the practice under them, held out to all officers, as an inducement to good conduct, the prospect of promotion after ten years' faithful services in one grade. In military life the hope of professional distinction is essential to a high and honorable discharge of the duties to which its members are devoted. If this is destroyed or neglected, little more than a mechanical execution of these duties can be expected. In our army this sentiment is as dear and as much cherished as in any other, and if not the cause, it is certainly the accompaniment, of zealous devotion to the public interest. All the officers who, before the repeal of this law, had entered upon what may be termed their probation, expected, and had a right to expect, that if at its termination they should have complied with the condition by faithful service, the reward held out would be granted to them. I venture respectfully to suggest, whether justice does not require such a modification of this law as to authorize the granting of brevets to every one, whose term of ten years had commenced before its repeal, at the end of such term, if the conditions of the law shall be fulfilled: This would insure the ultimate abolition of the practice which Congress had in view, while it would seem to be giving due weight to claims founded, if not in right, certainly in strong considerations connected with the services and situation of the officers. This valuable class of the community is exposed to every vicissitude incident to climate and situation, and the pecuniary considerations they receive is barely sufficient to enable them to meet the demands to which they are liable.

Disclosures have been made during the past season, showing the necessity of a thorough investigation into the operation of the laws granting pensions and gratuities for military services. It is ascertained that many frauds have been committed, some in the application for pensions, and others in the continuance of these payments. As these disclosures have been the result of accident, it is impossible to judge to what extent frauds may have been committed, but enough has occurred to satisfy me that some new mode of proceeding is essentially necessary to detect and check these abuses.

In the administration of the laws on this subject, the parties are required to make certain declarations before the judicial tribunals; and the opinions of these tribunals are requested, in order to determine the validity of the application. In the administrative examination of the papers submitted in support of a claim, if the name of the applicant is found upon the recorded muster rolls, and his identity is established by his own declaration and the proper certificates, the pension is granted as a matter of course.

In far the greater number of cases, however, no muster rolls of the corps exist, and frequently where they do exist, they are defective, and a resort to other testimony, in the examination of the claim, becomes therefore necessary. Here, a more detailed statement of services is required from the party—combining the various circumstances connected with such duty, best calculated to enable the proper examining officers to compare the statement with the records of the office, and with other facts known to them, and thus to assist in detecting frauds, if any exist. In addition to this, a certificate of two respectable persons acquainted with the party is made necessary, stating his age, and the opinion, in the neighborhood where he resides, that he is a soldier of the Revolution, and their concurrence therein; and to this must be added the certificate and opinion of the proper court upon the whole matter.

Besides this course of proceeding, which is applicable more particularly to the militia claimants, very few muster rolls of which remain, the testimony of two persons actually acquainted with the services of the applicant is necessary wherever he served in the regular army, and his name is not to be found on a muster roll, as in that case evidence is necessary to rebut the presumption against him.

This system was adopted upon great consideration, and it is difficult to see how the law can be administered, if farther requisites are demanded. But experience has shown that the prescribed certificates are sometimes granted without due caution, and that persons desirous of converting the provisions of the law to their own benefit, have been enabled to procure official attestations, and even the seal of the court, under circumstances calculated to weaken, if not to destroy, the public confidence in these safeguards. Seals have likewise been taken from useless attestations, and affixed to others, and direct forgeries have been committed in the preparation of the whole papers. And these proceedings have been resorted to not only to establish the original claim, by placing the applicant upon the roll, but also to establish his right to each semi-annual payment, by proving his identity. It is obvious that a system depending, for its correctness, upon the conduct of such a variety of persons and officers, not responsible to the General Government, and where frequently a natural sympathy for the claims of the time and war-worn veterans would lead to much practical relaxation, must be liable to abuse; although, till very recently, the extent to which such abuses may have gone was not suspected. Some plan is now necessary by which a re-examination may be made, a plan which, while it ensures to the honest and gallant survivors of the Revolution all that they expect, and all that the country has provided, shall, at the same time, lay open the frauds which have been committed, and prevent their occurrence hereafter.

In the report of the Commissioner of Pensions, his views upon the subject are given, which appear to me practical and judicious; and as such, I ask for them your favorable recommendation to Congress. An examination at the residence, or in the neighborhood of each person now drawing a pension, into the circumstances of his case, appears to me to present the only effectual means of accomplishing the desired object. Undertaken by proper persons, and conducted with proper discretion, it could scarcely fail to confirm the grants made to honest applicants, and to detect those which have been fraudulently obtained by dishonest ones. It appears to me that the expense of such a measure ought not to delay its immediate adoption. It is impossible even to conjecture the amount of surreptitious claims. It may be far greater than the data now before the office enable us to estimate. And possibly, conjecture and recent disclosures may have led to the suspicion that the ratifications of the system have been more extended, and the abuses greater, than a rigid inquiry may confirm. In the one case, the beneficial result would be the relief of the Treasury from fraudulent payments, and the punishment of those concerned in them, and, in the other, it would be satisfactory to know that, while the bounty of the Government has been justly appropriated, it has not been improperly applied.

The provision of law for the establishment of a Pension Office, as a branch of this department, expires, by its own limitation, at the end of the present session of Congress. It is essential, to a due execution of the duties, connected with the system of pensions and gratuities for military services, that this arrangement should be renewed and continued. The applicants and grantees are so numerous, the aggregate amount disbursed so great—equalling at least three million two hundred thousand dollars annually; and the doubtful questions, both of fact and principle, so frequent and complicated, that unless a branch of administration carefully superintended is devoted exclusively to this service, the public interest must materially suffer.

The Commissioner of Indian Affairs has exhibited, in detail, the transactions in the important branch of the public service confided to his superintendence. It is only necessary that I should advert to the more prominent subjects which have received, or which require, the action of the Government.

The commission for the adjustment of unsettled relations with the Indians west of the Mississippi, terminated, by the provisions of the act instituting it, in July last. Important benefits have resulted from the labors of the commissioners, in the adjustment of difficult questions connected with the Indians of that region, and in the treaty arrangements which have been entered into by them. The country assigned for the permanent residence of the eastern Indians has been so apportioned among them, that little difficulty is anticipated from conflicting claims, or from doubtful boundaries. And, both in equality and extent, there can be no doubt but that the region allotted to them will be amply sufficient for their comfortable subsistence during an indefinite period of time.

An important council has been held at Fort Gibson, by Col. Dodge, and by Maj. Armstrong, the superintendent of Indian affairs, with the chiefs of several of the tribes of that quarter, including some of the wandering bands, whose predatory operations have heretofore kept the frontier in alarm. At this council, the situation of the Indians was fully discussed, and amicable relations established. It is to be hoped that the feelings with which they separated will be permanent, and their intercourse hereafter uninterrupted.

The united tribe of Pottawatamies, Ottawas, and Chippewas, possessing the country in the vicinity of Chicago, have conditionally acceded to the alteration proposed in the boundaries of the tract assigned for them west of the Mississippi, by the treaty concluded in 1833. Should their proposition be accepted, an extensive and valuable region will be opened for settlement, and they will be removed to a district whose climate is suitable to their habits, and whose other advantages cannot fail to offer them strong inducements for moral and physical improvement.

An arrangement has been made with the Miamies for the cession of a part of their reservation in the State of Indiana. The tracts held by them are far more extensive than they require; and, as they appear to be not yet prepared for removal, this relinquishment, without injuring them, will relieve the State in some measure from the embarrassment caused by such large reservations as they possess, embracing a most valuable part of the country, and interrupting the settlements and communication.

Instructions were given immediately after the last session of Congress, for purchasing from the Wyandots in Ohio, if they were disposed to sell, the reservations secured to them in that State, and for their removal to the west. The commissioner, Governor Lucas, conducted the negotiation with great fairness and propriety, fully explaining to the Indians their own position, the wishes of the Government, and the course of circumstances urging their removal. The matter is not yet terminated, the Indians having requested time for further consideration.

The necessary appropriation will be asked for the removal of the Seminoles, agreeably to the treaty formed with them; and arrangements have been made for the emigration of the Creeks, as fast as they are prepared for a change of residence. There has not yet been sufficient time to ascertain the result of these measures.

I am not able to submit to you any more favorable views of the condition of the Cherokees than were embraced in my last annual report. While every dictate of prudence, and in fact of self-preservation, urges their removal, unhappy councils and internal divisions prevent the adoption of that course. Where they are, they are declining and must decline; while that portion of the tribe which is established in the west is realizing the benefits which were expected to result from a change of position. The system of removal, however, by enrollment is going on; and, during this season, about one thousand persons have passed to the West.

The treaty concluded the 24th of May last with the Chickasaws, has altered the relations in which they were placed with the United States. The proceeds derivable from a portion of their present possessions have been assigned to them, and reservations have also been provided for such as choose to become citizens of the United States. Their future condition now depends upon their own views and experience, as they have a right to remain or remove, in conformity with their own judgment. The means placed at their disposal are fully adequate to their permanent comfortable establishment, and it is to be sincerely hoped that they will apply them wisely.

The acts of the last session of Congress on the subject of Indian affairs, have introduced important changes into those relations. Many of the provisions of former laws had become inappropriate or inadequate, and not suited to the changes which time and circumstances have made. In the act regulating the intercourse with the various tribes, the principles of intercommunication with them are laid down, and the necessary details provided. In that for the re-organization of the department, the number of officers employed has been much reduced, and the current expenses diminished.

Any changes which experience may show to be necessary in these acts, can, from time to time, be provided, until they shall become fully adapted to the situation and condition of the Indians, and to the intercourse, both commercial and political, which ought to exist between them and our Government and citizens. The system of removal has changed essentially the prospects of the emigrants, and has imposed new obligations upon the United States. A vast tract of country, containing much more than one hundred millions of acres, has been set apart for the permanent residence of these Indians; and already about thirty thousand have been removed to it.

The Government is under treaty stipulations to remove nearly fifty thousand others to the same region, including the Illinois and Lake Michigan Indians, with whom a conditional arrangement has been made. This extensive district, embracing a great variety of soil and climate, has been divided among the several tribes, and definite boundaries assigned to each. They will there be brought into juxtaposition with one another, and also into contact, and possibly into collision, with the native tribes of that country; and it seems highly desirable that some plan should be adopted for the regulation of the intercourse among these divided communities, and for the exercise of a general power of supervision over them, so far as these objects can be effected consistently with the power of Congress, and with the various treaty stipulations existing with them. It is difficult, indeed, to conceive how peace can be preserved, and the guaranty of protection held out to the eastern Indians, fulfilled, without some legislative provision upon this subject.

It will be seen, by adverting to the estimates, that the ordinary expenditures of the Indian department have been reduced to the sum of fifty-nine thousand eight hundred dollars, a material diminution, which the provisions of the law of the last session, organizing that department, has rendered practicable, and which brings down its expenditures to a sum less by one-half than the average annual amount for some years past. The appropriations for annuities being fixed, and depending upon treaty stipulations, cannot be reduced by administration.

The resolution of the Senate of December 23d, 1833, requiring the correspondence of the Indian department, together with a detailed statement of expenditures for some years past, has been complied with. These documents will enable Congress to judge of the operations of this branch of the public service, both in its administrative and fiscal concerns.

I have the honor to be, with great respect, your obedient servant,

LEWIS CASS.

REPORT OF THE SECRETARY OF THE NAVY.

Navy Department, Nov. 29, 1834.

To the President of the United States:

Sir: In laying before you at this time, a succinct view of the condition of our Navy and its operations during the past year, it affords me great pleasure to state, that its gradual increase and improvement are such as might have been anticipated from the ample means for that purpose which have been afforded by the liberal policy of Congress.

All the services required of our naval force have been promptly performed. Our commerce has been protected in the remote as well as the neighboring seas; our national character has been sustained at home and abroad, while a large portion of our naval officers, seamen, and marines, have been kept in active service, under a strict discipline, calculated to fit them for all the duties which may be required of them, whether in defending our property on the ocean from pirates or open enemies, our shores from hostile aggression, or our flag from insult.

An inspection of our Navy Yards at Portsmouth, Boston, New York, Philadelphia, Washington, and Norfolk, made in August and September last, in company with the Commissioners of the Navy Board, has afforded me the most satisfactory evidence of our means, in a short time, of increasing our Navy to any extent the exigencies of our country may require.

The officers in charge of those stations perform their duties with great ability and zeal; the building and repairing of our ships are conducted with despatch and economy; and the ample materials on hand for naval purposes are preserved with the greatest care, and by all the means which science and experience can suggest, to prevent decay.

Our naval force consists of six ships of the line, and seven frigates, now building, for the completion of which, additional appropriations, to the amount of $1,527,640, will be required; of five ships of the line, two frigates, and six sloops of war in ordinary, requiring repairs which will cost $1,362,000, in addition to the materials on hand for that purpose; and of one ship of the line, four frigates, eight sloops of war, and six schooners, in commission; in all, twelve ships of the line, thirteen frigates, fourteen sloops of war, and six schooners. Besides which, the frames of ships procured, or under contract, for the gradual increase of the Navy, and other materials on hand or under contract for that purpose, will afford the means of bringing into the service, as soon as it can probably be required, an additional force of five ships of the line, eleven frigates, seven sloops of war, and two schooners, the building of which may be immediately commenced on launching our vessels now upon the stocks.

Our vessels in commission during the past year have been employed, as heretofore, in protecting our commerce in the Mediterranean, in the West Indies, on the coast of Brazil, and in the Pacific Ocean.

The ship of the line Delaware, the frigates United States and Constellation, the sloop of war John Adams, and the schooner Shark, have been thus employed in the Mediterranean; and the frigate Potomac, after her return from the Pacific and Indian Oceans, was repaired, and sailed on the 20th of last month, to join the Mediterranean squadron, from which the frigate Constellation had been ordered to return. This frigate arrived at Norfolk on the 20th inst. The sloop of war John Adams returned to the United States in February, from the Mediterranean, and sailed again for that station in August last, after receiving necessary repairs.

On the West India station, the loops of war Vandalia, St. Louis, and Falmouth, and the schooners Grampus and Experiment have been employed. The St. Louis returned to Norfolk in July last, where she has been repaired, and from whence she sailed on the 14th instant, to resume her station in the West Indies. The Vandalia returned in August last to Norfolk, where she is undergoing considerable repairs, which it is believed will be completed early next month, when she will return to the West India squadron.

The sloops of war Natchez, Ontario, Erie, Lexington, and Peacock, and the schooners Enterprise and Boxer, composed our squadron on the coast of Brazil. The Erie did not sail for this station until August last. The Lexington returned to the United States in April, and the Peacock in May last. The Enterprise returned in April, and sailed again for the Brazilian station in July last, in which month the Boxer returned to the United States, and, after being repaired, sailed for the Pacific. The Peacock is now undergoing considerable repairs, and is expected to be ready for sea early in February next.

For our station in the Pacific, the frigate Brandywine sailed on the 2d of June last, to co-operate with the sloops of war Fairfield and Vincennes, and the schooner Dolphin, and, with the Boxer, now on her way to that station, from which the Falmouth returned on the 1st of February, and, after having been repaired, sailed for the West India station in March last.

Our naval force, consisting of commissioned and warrant officers, petty officers, seamen, ordinary seamen, landsmen and boys, amounts to 6,072; and our marine corps, under its new organization, will consist of commissioned officers, non commissioned officers, musicians, and privates, to the number of 1,283; making a total of 7,355.

The Dry Docks at Boston and Norfolk have fully answered the most sanguine expectations that were formed of their usefulness. They are now deemed indispensable to a speedy and economical repair of our larger vessels. But the two already finished are not sufficient for the purposes of our Navy. An additional Dry Dock, at some intermediate point between Boston and Norfolk, would greatly promote the purposes for which our Navy is established and maintained. As a site for such additional Dry Dock, the harbor of New York presents greater advantages than are to be found in any other situation, among which may be enumerated the great commerce of the place, the facilities which the city of New York affords for recruiting seamen, and for procuring all materials, as well as for employing skilful mechanics and laborers necessary for repairing vessels.

The experience acquired in making the two dry docks already finished, cannot fail to be of great advantage in the construction of a third.

I would respectfully repeat a recommendation of my predecessor, that authority be given to construct two or three steam batteries, as the means of testing the application of steam to the purposes of national defence.

It can hardly be doubted that the power of steam is soon to produce as great a revolution in the defence of rivers, bays, coasts, and harbors, as it has already done in the commerce, intercourse, and business of all classes of men, in Europe as well as America. This subject has already attracted the attention of the maritime powers of Europe; and our honor as well as safety requires that no nation whose fleets may come in conflict with ours, should be in advance of us in the science and application of this power, upon which the success of our future wars with them may depend.

Should the power of steam, as a means of defence, produce all the effects that may be justly anticipated, it will diminish, in some instances, the necessity of permanent fortifications on our coasts, by substituting those which may be moved from place to place as they may be wanted, and in our own waters become the formidable engines of attack as well as defence. The heavy and cumbrous steam vessels and batteries, with their necessary apparatus and supplies, which may be brought into action with the most powerful effect by a nation near its own shores and harbors, cannot be transported over distant seas and oceans for the purpose of attacking its enemies. Should, therefore, the application of steam become a part of the system of maritime war, it is a consolation to reflect that it will greatly diminish the frequency as well as horrors of such war, inasmuch as it will hold out much greater advantages to the defending than to the attacking party, and take from the aggressor, in a great degree, his hope of success, and, of course, his motive for action.

I can add nothing to what has been frequently urged in favor of a peace establishment for our navy; but must be permitted to state, what has often before been stated, that the compensation of the commanders of our ships on foreign stations is altogether inadequate to an honorable discharge of their duties. They are compelled to incur expenses beyond the amount of their pay and rations, or decline to receive and return civilities uniformly offered to them on such stations, and upon which our friendly relations with foreign nations may, in some degree, depend.

The course pursued by our officers, under such circumstances, has been such as national as well as professional pride has dictated, and, of course, they frequently return from their tours of service deeply in debt; one evil consequence of which is, that it adds to the inducements of our officers, to prefer service on our home stations to service at sea; whereas, the pecuniary consideration should always be in favor of the sea service.

Much inconvenience frequently arises from a want of power to make transfers of materials purchased for the navy, under certain appropriations, to the purposes of other appropriations, under which they are more immediately wanted. A power to make such transfers, guarded by limitations, similar to those imposed upon the power of making transfers of money from certain appropriations to others, would save much time and expense in the building and repairing of our ships.

Under the act of the 30th of June last, for the better organization of the United States Marine Corps, the appointments of officers authorized by the same have been made, and the additional number of privates required will be recruited with all convenient despatch.

So much of the military regulations, for the discipline of the marine corps, as were in force at the passage of the act, and not inconsistent with the same, will continue in force until superseded by regulations which shall be prescribed in conformity with the provisions of the eighth section of that act.

It is believed that the discipline and harmony of the officers and men of the navy proper, and of the marine corps, will be promoted by placing the marine barracks without the bounds of the different navy yards with which they may be connected. This arrangement would create but little additional expense to the Government. The marine barracks at Portsmouth, should it be thought proper to retain them as such, are at a sufficient distance, and might be easily separated from that part of the navy yard in which ships are built and repaired, and in which are placed the workshops and stores of that station.

The marine barracks at Boston are within the bounds of the navy yard, but so decayed and dilapidated as not to be worth repairing, and they occupy a space designated for another purpose in the yard. A situation for barracks, sufficiently near the yard, it is said, can be procured upon reasonable terms.

The marine barracks at the navy yard at New York were condemned in 1826, as unworthy of repair. The officers attached to this station have been allowed house rent in lieu of quarters. An appropriation of $30,000 has been made for the erection of marine barracks at that station, and $6,000 for the purchase of a site for the same; but, as yet, the site has not been purchased nor selected.

At Philadelphia, the barracks are within the navy yard; but unfit for use as such. It will be necessary to construct new barracks at that station.

At Washington, the barracks are not within the bounds of the navy yard.

At Norfolk, the barracks are within the bounds of the navy yard, but inadequate to the accommodation of the force required there. Besides, they are much out of repair; and the commanding officer has been, necessarily, allowed house rent in lieu of quarters.

At Pensacola, no permanent marine barracks have been prepared. The officers have been allowed house rent, and the men have occupied temporary buildings. It is proper here to observe, that the plans of the navy yards, prepared and approved under the act for the gradual improvement of the navy, make no provision for barracks within the navy yards, except at Portsmouth.

Under the first section of the act concerning naval pensions and the navy pension fund, passed the 30th June last, fourteen pensions to widows have been renewed, and thirty-seven original pensions have been granted, in pursuance of the provisions of that act. These constitute a heavy charge upon that fund; and require for their payment, annually, the sum of $16,062.

Under the second section of that act, the sum of $141,303 80 has been reimbursed to the fund for the cost of the stock of the Bank of Columbia, heretofore purchased by the commissioners of the fund, with interest thereon from the period at which said bank ceased to pay interest to the time of reimbursement. 141,300 dollars of the amount has been vested in the stock of the Bank of the United States, as authorized by the act of Congress of the 10th of July, 1832. The state of this fund will appear by documents annexed **M, M 1,** and **M 2.**

The number of invalid pensioners is two hundred and eighty-seven. Should all of them claim, which is improbable, the amount required for their annual payment will be 23,321 dollars.

The number of widow pensioners, including those under the act of the 30th of June last, is one hundred and nine; and the amount required for their annual payment is 24,023 dollars--making the annual charge, according to the present pension-roll, 47,254 dollars.

From the account of stocks, hereunto annexed, marked **M**, it will appear that the income of the fund arising from those stocks, and others to be purchased by excess of money on hand, will be about $70,000 per annum. It is believed, therefore, that the fund will be sufficient for all the ascertained claims upon it, under existing laws; and the surplus of next year, which may be estimated at from 15,000 dollars to 20,000 dollars, will, it is presumed be enough to meet the ordinary increase of pensions for several years.

Of the privateer pension fund, the act of Congress of the 19th of June last revived five years' pensions to widows of officers, seamen, and marines, slain or lost on board of private armed vessels.

In twenty-eight cases brought to the notice of this Department under this act, more than five years had elapsed from the date when their former pensions expired. They being sustained by satisfactory proof, were settled in the office of the Fourth Auditor, and the accounts certified by the Second Comptroller of the Treasury. The amount to pay these accounts was 15,480 dollars. Under the act, twenty-six pensions were renewed; of which, one expired on the 10th of October last, and one on the 28th instant. One will expire on the 4th of March, four on the 1st of February, and nineteen on the 1st of January, in the year 1835. The payments on these, to the 1st of July last, amounted to 11,995 dollars and 20 cents; and the sum required to complete five years' pension to each, will be 1,320 dollars and 80 cents.

In addition to the above, there are thirty-four invalid pensioners on the roll, and the sum necessary to pay them will be 3,016 dollars per annum.

It will be seen in the annexed statement, marked N 1, that the amount in the Treasury on the 1st instant, to

the credit of the fund, was - -	$1,261 46
Stock owned by the fund (N) - -	15,567 05
Total - -	$16,828 51

After paying the claims that have as yet been preferred under the act of the 19th of June last, and it is believed that but few additional claims under the act can now be brought forward, it is estimated that the fund will be sufficient to pay, for four or five years, all the invalid pensions now chargeable to it.

From the statement annexed, marked O, it will appear that the amount to the credit of the navy hospital fund, on the 1st instant, was 35,559 dollars and 4 cents. The increase of the fund arising from deductions in the settlement of accounts in the Fourth Auditor's office will be nearly 16,000 dollars per annum. The expenditures for several years will probably not exceed 13,000 dollars per annum. This will leave balances not wanted for current expenses. The propriety of authorizing, by law, the investment of such balances in some well-secured, productive stock, is respectfully suggested.

By the statement hereunto annexed, marked P, it appears that, of the appropriations heretofore made for the suppression of the slave trade, there remains in the Treasury a balance of 14,213 dollars and 91 cents. It is not believed that any further appropriation for this purpose is necessary at this time.

It will be perceived, by the estimates, that nothing is asked on account of the contingent expenses of the Secretary's office of this Department. A proper degree of economy has rendered any appropriation for those expenses for the ensuing year unnecessary. This circumstance affords me an apology for stating that some of the officers connected with this Department do not receive an adequate compensation for their services.

The chief clerk of the Commissioners of the Navy Board, and the warrant clerk, and the clerk keeping the register of correspondence of this Department, perform arduous duties, which require talent and experience. Their salaries, respectively, are less than are paid in other departments for services of no greater difficulty and responsibility than theirs, and are inadequate to the decent support of themselves and families.

An estimate for an increase of 100 dollars to the salary of the first, so as to make it 1,700 dollars per annum, and of four hundred dollars to the latter, so as to make them 1,400 dollars to each, is respectfully submitted.

The salaries of the chief clerks of the commandants of the navy yards at Boston, New York, Washington, and Norfolk, are evidently below what may be considered a fair compensation for their services. I, therefore, solicit a small increase of 150 dollars to their salaries respectively, so as to make them 900 dollars each, as stated in the estimates.

The superintendent of the southwest Executive building receives at present but 250 dollars, and the two watchmen for the same but 300 dollars each per annum. It is respectfully recommended that an increase of 250 dollars be made to the salary of the superintendent, and of 200 dollars to the salaries of each of the watchmen.

In the report of my predecessor, of the 30th of November last, an estimate of the expense of purchasing and maintaining a lithographic press was submitted, as a means of procuring charts and blank forms for this Department, as well as for the several navy yards and vessels in commission, as also for the purpose of multiplying copies of drawings connected with the survey of the coast. As, in my opinion, the employment of such a press would be a saving of time and money, in the duties now performed by clerks and draughtsmen in this Department, and the branches of service connected with it, I respectfully renew the application for the necessary appropriation for this press; and annex hereto copies of the letters of the Commissioners of the Navy Board, and of Lieutenant Charles Wilkes, jr., heretofore laid before Congress, in favor of this application.

The charge of the coast survey, now under the superintendence of Mr. Hassler, was, on the 11th day of March last, transferred from the Treasury to the Navy Department, to which it was thought more properly to belong. I have found this arrangement very onerous, as it imposed upon me new duties, which could not be performed without a careful examination of the accounts of what had heretofore been done on the survey, contained in a voluminous correspondence between the Treasury Department and the superintendent. This arrangement also caused a short interruption in the progress of the work, but which has, nevertheless, been prosecuted with diligence and zeal by those employed in it.

The report of Mr. Hassler, of the 17th of May last, and his supplementary report of the 11th of last month, with the maps, draughts, and sketches accompanying the same, herewith transmitted, show the progress already made in this work under the law of 1832, and its connexion with the progress made in the same in the year 1817.

The situation of the base line on the south side of Long island has been most fortunately selected. As any error in this line would be attended with corresponding errors in the whole work depending upon the same, the utmost care has been taken to have it measured with the greatest possible accuracy.

From what has been done in this survey, we may reasonably hope that this important work will advance with all the aid which science, skill, and industry can give it, and in a manner as honorable to the Government under whose auspices it was begun, and has been continued, as it will be useful to the present and to future ages.

The information wanted for accurate and detailed estimates of the necessary appropriations for the continuance of the coast survey cannot easily be obtained until further experience shall enable the officers engaged in it to introduce more system in the detail of duties and expenditures in their work than they have heretofore been able to do.

The sum of thirty thousand dollars was appropriated for this purpose the past year; and it is believed that an equal sum will be wanted for the ensuing year, as stated in the estimates.

Under the act of the 30th of June last, "authorizing the Secretary of the Navy to make experiments for the safety of the steam engine," preparations have been made for testing certain proposed improvements in steam boilers; but no such experiments have been exhibited or communicated to this Department, that could properly form the subject of a report.

Since the last annual report from this Department, the Legislature of Pennsylvania have, by their act of the 10th day of April last, ceded to the United States the jurisdiction over the territory now in their possession in the county of Philadelphia, and occupied for the purpose of a naval asylum for sick and disabled seamen, so long as the same shall be used by the Government of the United States for that purpose, with a reservation of the right to lay out a certain street, called Sutherland avenue, through the western part of said ceded territory; and with a proviso that all process, civil and criminal, of the commonwealth of Pennsylvania, shall extend into, and be effected within, such territory.

The necessary references to papers and documents connected with this report, will be found in a schedule hereunto annexed.

I have the honor to be, with great respect, your obedient, humble servant,

MAHLON DICKERSON.

REPORT OF THE POSTMASTER GENERAL.

General Post Office Department, Nov. 29, 1834.

To the President of the United States:

Sir: The report which I had the honor to make on the 30th November, 1832, exhibited a balance due from this Department on the 1st July, 1833, beyond the whole amount of its available funds, of $195,208 40.

The expenses for the transportation of the mail necessarily continued undiminished till the close of the year 1833, prior to which date the retrenchments stated in that report could not take effect; consequently the balance of debt against the Department continued to augment till that period.

The gross amount of postage was, from July 1 to December 31, 1833 - -		$1,375,437 28
Compensation to postmasters, including the contingent expenses of their offices during the same period, amounted to - -	$434,628 89	
Incidental expenses of the Department during the same time, amounted to	47,797 29	
The expense for transportation of the mail from July 1 to December 31, 1833, was - -	1,013,402 68	
Making the total expenses of the Department for that half year - -		$1,495,828 86
This sum, after deducting the gross amount of postages for that period, leaves a deficit for the six months ending 31st December, 1833, of -		120,391 58
To this sum add the deficit existing on the 1st of July, 1833 - -		195,208 40
And the balance of the debt against the Department, beyond the amount of its available funds, was, on the 1st of January, 1834 - - -		315,599 98

From the 1st of January, 1834, the retrenchments in the transportation of the mail, stated in my report of last year, began to take effect; and from that period the revenues of the Department have exceeded its expenses.

The gross amount of postages, was, from January 1 to June 30, 1834, -		$1,448,269 69
Compensation to postmasters, including the contingent expenses of their offices within the same period, amounted to - - -	$461,433 64	
Incidental expenses of the Department for the same period, amounted to -	30,300 38	
The transportation of the mail from January 1 to June 20, 1834, amounted to - - -	909,028 43	
Making the total expenses of the Department for the half year ending the 30th of June, 1834 - - -		1,400,762 45
This sum, deducted from the gross amount of postages for that period, leaves a revenue beyond the amount of expenses for the half year from January 1 to June 30, 1834, of -		47,507 24
This sum, deducted from the deficit existing January 1, 1834 - -		315,599 98
Reduces the balance of debt which existed against the Department on the 1st of July, 1834, to		$268,092 74

Such was the financial condition of the Department on the 1st day of July last. The amount of this debt has been continually diminishing to the present time, and it continues to diminish in an increased ratio.

On the 1st day of July, 1834, the balance of the account with banks was $398,616 99 against the Department, consisting of loans, $275,000, and overchecks to the amount of $123,616 99. In this statement, the difference between loans and overchecks is rather nominal than essential.

When overchecks are mutually agreed upon to a certain definite amount as a standing order, they are called loans; but when they vary indefinitely as to time and amount, they are called overchecks. In either case they are debts due from the Department to banks. This amount of balance against the Department has been considerably reduced since the 1st of July last. On the first day of the present month it stood as follows:

Amount due for loans from banks -	$275,000 00
Amount of overchecks, November 1, 1834 - - - - - -	55,969 09
Making, together, the sum of - -	330,969 09
On the same day the balances of bank deposites in favor of the Department, constituting the amount of cash on hand, amounted to - - -	82,031 34
Making the actual balance of the accounts with banks, against the Department, on the 1st of November, 1834 - - - - - -	$248,937 75

The contracts for the Southern section, including the States of Virginia, North Carolina, South Carolina, and and Georgia, and the Territory of Florida, which will expire with the current year, have been renewed to take effect from the 1st of January next, on such terms as will effect an annual saving from the amount now paid for transportation in that section, of about - $120,000 00

Additional retrenchments have also been made in the expense of transportation subsequent to my last report, to the annual amount of about - -	59,000 00
Making, together, an annual saving from the 1st of January next, of - -	$179,000 00

From the savings thus effected, together with the current excess of revenue in favor of the Department, it may be safely calculated that, without any reliance upon an increase in the gross amount of postages, the revenues of the Department will exceed its expenditures during the ensuing calendar year, to the amount of $270,000.

From a careful estimate, it may be anticipated, with entire confidence, that, before the close of the year 1835, the whole balance of debt against the Department will be extinguished. No part of this debt was contracted upon the credit of the Treasury, nor upon any other credit or authority than that of the Department alone. It was never regarded by either of the parties in the character of a debt of the Government, but a mere expedient to anticipate the resources of the Department, based upon the credit of the resources alone. The means of its liquidation within a reasonable time were always within the legal control of the Department, and no other means have at any time been sought or desired by the Department.

In my report of November, 1833, the expense for transporting the mail, and for incidentals, from July 1 to December 31, 1833, was estimated at $1,061,644 71

The actual expense for that period, was	1,061,199 97
Varying from the estimate only -	$444 74

The nett proceeds for postages for the year ending 30th June, 1834, were then estimated at $2,037,410 81

The actual nett proceeds of postages for that year, were - - - -	1,927,644 44
Falling below the estimate by the sum of	$109,766 37

Thus it appears that the expenses of the Department have not essentially varied from the estimate; but the nett revenue arising from postages has fallen short of the estimate then made more than a hundred thousand dollars. This is believed to be, in a very considerable degree, attributable to the great increase of free letters. The progressive increase of population naturally brings with it an accumulation of business in the Executive offices, which tends, in some measure, to increase their correspondence; and, in addition to this, a law passed in March, 1833, extending to members of Congress the privilege of franking during the whole recess. Every other year the session of Congress is protracted to a much greater length than in the alternate year, when a Congress terminates. The expenses for the delivery of free letters, at two cents each, have always amounted to a much greater sum during the year when the session is protracted than during the alternate year. To make a fair comparison between the amount of free letters before and after the extension of the franking privilege, it is necessary to take two entire years. Thus, the allowance to postmasters for the delivery of free letters for the two years ending July 30, 1832, (before the extension,) was - - - $40,556 89

For the two years ending July 1, 1834, (after the extension,) it was - -	54,158 88
Making, since the extension, an increase of - - - - - -	$13,601 99

or payment for the delivery of 680,099 free letters more than were delivered during the two preceding years. But no allowance is made for the delivery of free letters at post offices where the postmasters' commissions exceed $500 a quarter.

If the same proportion of free letters is delivered at offices where no allowances for them are made to postmasters, as at the smaller offices, then the increase since the franking privilege was extended is equal to 960,000 free letters more than what were delivered within the same period of time prior to that extension. The postage on each of these letters, if not free, would be from six cents to two dollars. The average, it is believed, would not be less than twenty-five cents each, exclusive of the postmasters' commissions. If estimated at this average theywould amount to - - - $240,000 00

To this add the allowance actually made for their delivery - - - -	13,601 99
And the increase of free letters within the last two years has actually cost the Department - - - - -	$253,601 99

which is more than equal to the balance of debt at this time existing against the Department.

Estimates have been obtained from several of the Executive offices, of the amount of their official correspondence carried on through the Post Office establishment, under the franking privilege of the officers by whom it is conducted; and it appears that, from the Departments of State, Treasury, War, and Navy, the official correspondence by mail, on which no postage is paid, is estimated to be equal to 2,685,235 single free letters in a year, and that by far the greater proportion of them are sent the full distance for which the highest rate of postage could be chargeable. The average postage on these letters, if not free, it is believed, would be not less than 18¾ cents each, which would amount to $503,481 56. This estimate is exclusive of the offices of the Attorney General, Adjutant General, Commissary General, Inspectors General, Quartermaster General, Paymaster General, and Superintendent of the Patent Office, all of whom have the privilege of franking.

It is also estimated that the number of free letters passing under the frank of members of Congress amounts to 8,000 a day during the session. If the correspondence of the offices above mentioned, which are not embraced in the estimate, and the postages fairly estimated, which would be chargeable on the correspondence of of members of Congress, if not free, should be added to the statement, it is believed that the annual amount of free letters would not fall short of a million of dollars, exclusive of the correspondence of the Post Office Department itself. This is an annual contribution by the Department to the Government.

Though the amount of revenue arising from postages for the year ending June 30, 1834, did not equal the estimate, yet there was a considerable increase above the amount of the preceding year. The gross amount of postage, for the year ending June 30, 1833, was $2,616,538 27

For the year ending June 30, 1834, it was 2,823,706 97

Making an increase in the gross amount of $207,168 70

The nett amount of postages, after deducting the commissions to postmasters, and the contingent expenses of their offices, was, for the year ending June 30, 1833 - - - - - $1,790,254 65

For the year ending June 30, 1834, it was 1,927,644 44

Making an increase in the nett proceeds of $137,389 79

The finances of the Department continue to be in an improving condition; and the solicitude which has been shown to obtain mail contracts, the reduced rates at which they have been taken for the Southern section, and the zeal with which contractors generally persevere in their services to the Department, furnish ample demonstration that its credit is unimpaired.

The number of post offices in the United States was, on the first of July last, ten thousand six hundred and ninety-three, being an increase of five hundred and sixty-six over the number reported last year.

The annual amount of transportation has been but slightly varied since my last report. The mail is now carried in stages and steamboats about sixteen millions nine hundred thousand miles a year, and on horseback and in sulkies about eight millions six hundred thousand miles, making, together, about twenty-five millions five hundred thousand miles a year.

The celerity of the mail should always be equal to the most rapid transition of the traveller; and that which shortens the time of communication, and facilitates the intercourse between distant places, is like bringing them nearer together. While it affords convenience to men of business, it tends to counteract local prejudices, by enlarging the sphere of acquaintance. It perpetuates existing friendships, and creates new ones, by which the bands of union are strengthened, and the happiness of society promoted. These considerations have always had their full weight upon my mind in making improvements in mail operations. The multiplication of railroads in different parts of the country promises, within a few years, to give great rapidity to the movements of travellers, and it is a subject worthy of inquiry, whether measures may not now be taken to secure the transportation of the mail upon them. Already have the railroads between Frenchtown, in Maryland, and Newcastle, in Delaware, and between Camden and South Amboy, in New Jersey, afforded great and important facilities to the transmission of the great Eastern mail. The railroad between this city and Baltimore will soon be completed, and the distance from the post office in this place to that of Baltimore will not be materially varied from the present road, 38 miles. From Baltimore, by Port Deposite, in Maryland, to Coatesville, in Pennsylvania, the line for a railroad is located, and the stock subscribed for its completion; and from Coatesvile to Philadelphia a railroad is made and in operation. The distance between Baltimore and Philadelphia, on this road, will be one hundred and seventeen miles, about eighteen miles greater than the present land route. From Philadelphia to Trenton bridge, about twenty-eight miles, the railroad is nearly completed; and from New Brunswick, in New Jersey, to Jersey City, on the west side of the Hudson river, opposite the city of New York, thirty miles, the railroad is in a state of progress. When these works shall be completed, the only interval will be between Trenton and New Brunswick, about twenty-six miles, to complete an entire railroad between this place and the city of New York; and it cannot be supposed that the enterprising State of New Jersey will long delay to perfect a communication of such great importance, passing through most of her largest and most flourishing towns.

When this shall be done, the whole distance between this city and New York, on a continuous railroad, will not exceed two hundred and forty miles, and the journey may be performed, at all times, with certainty, allowing ample time for stopping at important places on the road, in sixteen hours, and ordinarily in a shorter period. If provision can be made to secure the regular transportation of the mail upon this and upon other railroads which are constructing, and, in some instances, already finished, it will be of great utility to the public, otherwise these corporations may become exorbitant in their demands, and prove eventually to be dangerous monopolies.

I have the honor to be, most respectfully, your humble servant, W. T. BARRY.

REPORT OF THE MAJOR GENERAL OF THE ARMY.

Headquarters of the Army,
Washington, Nov. 28, 1834.

Sir: In compliance with the instructions contained in your letter of the 15th of August, I have the honor to submit, herewith, the undermentioned statements and returns:

1. A statement showing the organization of the army, marked A.
2. A return of the actual state of the army, marked B.
3. A return exhibiting the strength of the Eastern department, designating the posts and garrisons, marked C.
4. A return exhibiting the strength of the Western department, designating the posts and garrisons, marked D.
5. A statement showing the number of recruits enlisted in the army from the first of January to the 30th of September, 1834, marked E.
6. An estimate of the funds required for the recruiting service for the year 1835, marked F.
7. An estimate of the contingent expenses of the headquarters of the army, including those of the office of the Adjutant General, for the year 1835, marked G.

By these returns, it will be perceived that the several corps of the army are kept to their establishment, as nearly as practicable, without exceeding the numerical force authorized by law.

Since my last annual report, the five companies of the regiment of dragoons, which remained to be raised, have been recruited; and, after having been organized at Jefferson barracks, they took up their march to Fort Gibson, where the headquarters of the regiment were established, preparatory to entering the Indian country, in conformity to your instructions.

In consequence of the lateness of the arrival of these companies at Fort Gibson, and a variety of unforeseen difficulties in obtaining the proper arms and equipments for the regiment, the movement to the West was delayed until the 15th of June.

In the mean time, General Leavenworth, who had been appointed to the command of the troops on the Western frontier, south of the northern boundary of the State of Missouri, detached one company of that regiment as an escort to the caravan of traders to Santa Fe, in Mexico. He also employed detachments of the 3d and 7th regiments of infantry in opening roads between the posts on the Arkansas and Red rivers, and in establishing new posts beyond the settlements of the emigrated Indians, for the purpose of facilitating the movements of the expedition, and covering the country occupied by those Indians, in the event of a failure to secure a friendly intercourse with the wild tribes inhabiting the country beyond them.

These arrangements having been made, the expedition, consisting of nine companies, under Colonel Dodge, was put in motion, accompanied by a deputation from the several tribes of friendly Indians to act as guides and interpreters, and to aid in bringing about a general good understanding between the several nations; and in order that the friendly intercourse might be further promoted, two Indian girls, the one a Pawnee and the other a Kiowa, who had been captured by the Osages, also accompanied the expedition, for the purpose of being delivered to their friends.

Owing to the sickness which prevailed among the troops, the command, on reaching the river Washita, about 180 miles west of Fort Gibson, was so much reduced as to render a reorganization of the companies necessary. Colonel Dodge accordingly, out of the effective force, formed six companies, each forty-two strong, and under instructions from General Leavenworth, continued his march to the Pawnee village, situated on a branch of the Red river. Here Colonel Dodge held a council with the Camanches, the Pawnees, (or Toyaslas,) the Kiowas, and the deputation of Indians which accompanied him, amounting in all to about 2,000 persons. He explained the object of the expedition, and was instrumental in bringing about a friendly intercourse between several hostile tribes. He also obtained the surrender of the son of a Mr. Martin, an American citizen, who had been murdered by the Indians, and of a black boy, captured by them. A more particular account of the interview between Colonel Dodge and the assembled tribes will be found in the journal of the expedition annexed to this report.

After delivering the two Indian girls to their parents, Colonel Dodge, accompanied by several of the chiefs of the Camanches, Pawnees, and Kiowas, returned with his command to Fort Gibson, whence the regiment proceeded to take up the positions previously fixed on. Four companies, under Colonel Dodge, marched to Fort Leavenworth, on the Missouri; three companies, under Lieutenant Colonel Kearney, to the Des Moines; and three, under Major Mason, to a point on the Arkansas about eighty miles above Fort Gibson. These companies have arrived at their destinations, and are engaged in preparing their winter quarters.

The reports of the Inspectors General, as to the condition of the army, are highly favorable. The dispersed state of the troops prevents any great improvement in extended evolutions; but the police and administration are, in every respect, creditable to the officers in command. The character of the soldier is evidently improving. The law for bettering the condition of the rank and file seems to have already produced the most beneficial results. The vice of drunkenness has diminished, and, with it, desertion and other crimes; while, at the same time, better men enlist.

The services performed by the officers of the line are diversified and extensive. Besides the duties in camp and quarters, they furnish assistance to the various branches of the Staff and the Military Academy, in all of which the number of officers authorized by law is insufficient for the performance of the multiplied duties imposed on them beyond their ordinary service. The number of officers detached from regimental duty amounts to 122. The Corps of Engineers, and the Topographical Engineers, as well as the Ordnance department, are insufficient, according to their present strength, to accomplish all that is required of them. The duties of these officers are daily becoming more extensive; and to enable them to execute these duties, details, to a great extent are constantly made from the line. The effect of diverting so many officers from their appropriate functions, is to derange the regular routine of duty, to disorganize the service in the line, and frequently to leave companies with only one officer. In addition to which, the officers who are thus employed are too apt to lose their *esprit du corps*, and to return to their duties in the line with a distaste for them.

I would, therefore, respectfully suggest that great economy and much good would result to the service, if the requisite number of officers for the Engineers, Topographical Engineers, Ordnance department, and the Military Academy, were permanently detached from the line, and made members of those several branches. These branches might be so organized by law, as to give from the line of the army to the Engineers six 1st and six 2d lieutenants, and to the Topographical Engineers, the Ordnance, and the Military Academy, each, ten 1st and ten 2d lieutenants, making in all seventy-two officers; these officers to be taken from the line of the army, so as to leave one 1st and one 2d lieutenant with each company. Respectfully submitted.

ALEX. MACOMB,
Major Gen. commanding the Army.

To the Hon. the Secretary of War.

REPORT OF THE QUARTERMASTER GENERAL.

Quartermaster General's Office,
Washington City, Nov. 22, 1834.

Sir: In obedience to your order, and in compliance with the regulations for the government of the department, I have the honor to submit the following report of the operations of that branch of the service confided to my administration, for the 1st, 2d, and 3d quarters of the present year, to which I have added that portion of the last year not included in my report of the 27th of November, 1833.

The balance remaining to be accounted for by the several officers of the department at the date of that report, amounted to - - - -			$84,286 48
To which is to be added—			
1st remittances, viz:			
In 4th quar. 1833,	$330,237 26		
1st " 1834,	155,703 74		
2d " "	181,522 90		
3d " "	317,410 82		
		$984,874 72	
In small sums, during the year, from other departments, not on requisitions from this office, but accounted for through it - - -		8,341 19	
			993,215 91
2d. Proceeds of sales of public property, either unfit for service or no longer required for public use, and rents received for public lands and buildings not required for military purposes - - -			20,489 01
Making the total to be accounted for			1,097,991 40
Of which there has been accounted for—			
1st. By disbursements, viz:			
In the 2d and 3d quarters of 1833, not included in the last report, the accounts not having been received at its date,	$6,118 50		

In 4th quart. 1833,	281,929 98		
1st " 1834,	179,545 33		
2d " "	207,528 55		
3d " "	315,424 19		
		990,546 55	
2d. By deposites to the credit of the Treasurer of the United States - - -		4,434 38	
3d. By amount turned over to the Ordnance department by the assistant quartermaster at Detroit, being part of the proceeds of public property sold at that place - -		5,053 48	
Total accounted for - - -			1,000,034 41
Leaving a balance to be accounted for, of			$97,956 99

The accounts of four officers remain to be received for the second quarter, and of eight officers for the third quarter of the present year, which will probably reduce the balance about fifteen thousand dollars. The remainder is distributed among more than sixty officers at the various posts, and connected with the several public works, directed by the department throughout the Union; and I confidently believe that the whole of it will be applied to the proper objects, and accounted for at the close of the present quarter.

The property under the administration of the department is promptly accounted for by the officers who receive it, as well of the department as of the several corps of the army.

The balance remaing in the Treasury, of the appropriation for the Quartermaster's department proper, with the sums due to it for expenditures on account of other branches of the service, will not only be sufficient for all demands against it for the remainder of this year, but will leave twenty thousand dollars applicable to the service of the next year.

The balance remaining on account of the transportation of troops, supplies, &c., will, it is believed, be sufficient to meet all demands against it within the year; and the experience of the present year has induced me to venture on a small reduction of the estimate for the next year.

The appropriation for the transportation of ordnance has been found inadequate to the wants of the service. My estimate was cut down one-fourth at the last session of Congress; in consequence of which, an unusual number of arms, and a large quantity of ordnance stores, have accumulated, and must, necessarily, be removed during the ensuing year.

The appropriation made at the last session of Congress for the transportation or travelling allowance of the officers of the army, including those of the dragoons, when moving on duty without troops, was several thousand dollars less than the actual expenditure in 1833, without including the dragoons. I estimated for a sum barely sufficient to meet the expenditure at the then established rate, but my estimate was cut down fifteen thousand dollars; the consequence was the reduction of the rate, before low enough, to nine cents per mile, the utmost that the present appropriation will bear. The mileage to officers of the *navy*, when travelling on duty, authorized by the regulations submitted to Congress at its last session, is twelve and a half cents to captains, commanders, and judge advocates, and ten cents to all others. Officers of the army are subjected to as much expense in travelling as those of the navy, and in common justice ought to have an equal allowance. The expenditure on this account may seem large, but it is to be remarked that the United States are engaged in improvements, both military and civil, upon as great a scale as any other civilized nation. The greater part of those improvements are directed by officers of the army; they are to be found on all our frontiers, and dispersed over every part of our extended territories, directing the construction of fortifications, arsenals, barracks, roads, bridges, breakwaters, and other national works; surveying routes for canals, railroads, and military roads; assisting in a trigonometrical survey of our coast, and in hydrographical surveys, and in improving numerous harbors, and removing the obstructions to the navigation of rivers; a large portion of them are emphatically working-men, and can say, with truth, that, whosoever may eat the bread of idleness, they are not of the number. The improvements on which they have been engaged since the termination of the war with Great Britain, besides their great commercial advantages, will, when completed, have more than quadrupled the defensive military power of the country. Of what consequence is the saving of a few thousand dollars, cut off from the travelling allowance of men thus engaged, compared with the positive advantages which the nation is deriving from their labors? The reduction having been made in the House of Representatives, I have not felt at liberty to estimate for more than the amount appropriated last year, but I most respectfully and earnestly recommend that the subject be so placed before Congress that a just and equitable allowance be granted.

From the numerous casualties attending the service of the regiment of dragoons, I have been obliged to increase the estimate for horses and equipments to thirty-five thousand dollars, being fifteen thousand dollars more than the estimate of last year.

Of the works under the direction of the Department, the barracks authorized in the vicinity of New Orleans were commenced early in the season, and at the date of the last report, although the operations had been greatly retarded by the heat and rains, as well as by the prevalence of the yellow fever, the buildings had been covered; every part of the work is reported to have been executed in the best manner. To complete the work, with its defennces, the appropriation asked for at the last session of Congress will be necessary.

Of the works authorized at Savannah, the soldiers' quarters, though not entirely finished, are reported to be in a state to be occupied; the officers' quarters are in progress, but, to complete them and the defences, a further appropriation will be necessary.

The works at Baton Rouge, Fort Severn, and Green bay, are in rapid progress; at the latter place it is believed all the labors will have terminated by the end of the present year, except upon the hospital, which will probably be finished by the first of June.

The new barracks at Fort Crawford were, at the date of the last report, in such a state of forwardness as to leave no doubt of their being soon completed.

The repairs at Fort Gibson, for which an appropriation of five thousand dollars was made at the last session of Congress, have not been commenced; the buildings are in so bad a condition that the late commanding officer gave it as his opinion that the appropriation would be entirely lost if applied to the old work. He urged the necessity of a new work, and recommended that it be built of stone, of which there is an abundance in the neighborhood, and of good quality.

A property adjoining Fort McHenry, near Baltimore, which is now rented by the public for the accommodation of the garrison, will be sold in a short time, under a decree of the Chancellor. Regarding Fort McHenry even as a secondary work, according to the classification made by the Board of Engineers, the United States should own the property referred to. I, therefore, respectfully ask that authority be obtained from Congress to make the purchase; no appropriation will be required, as the necessary sum may be spared from the Quartermaster's department.

A new post has been established, and barracks, stables, and other buildings have been erected at the Des Moines, on the Upper Mississippi, for three companies of dragoons; and accommodations for four companies at Fort Leavenworth, and for three companies near Fort Gibson, were in a state of preparation at the last reports from those posts.

The amount appropriated at the last session of Congress for the purchase of an aditional lot of land at Fort Sullivan, required for military purposes, has been applied as designed, and the land is now the property of the United States.

The military road in Maine has been thoroughly repaired and completed; and, in compliance with the provisions of an act of Congress approved the 30th of June last, it has been transferred to the State of Maine.

Instructions have been given to the principal officer of the department in Arkansas to resume the repair of the Memphis and Little Rock road, so soon as the season shall permit; and, also, to take measures to cause the following roads, authorized at the last session of Congress, to be surveyed and opened, viz: a road from Helena to the mouth of Cache river; a road from Jackson, in the county of Lawrence, by Liberty and Fayetteville, in the county of Washington, to Fort Smith; a road from Strong's, (a point on the military road from Memphis to Little Rock,) by Litchfield, in Jackson county, to Batesville; and a road from Columbia, in Chicot county, to Little Rock.

A road has been opened by the labor of the troops on the Southwestern frontier from Fort Towson to False Washita of Red river; also, one from Fort Gibson to the Little Red river of Arkansas, and thence to the mouth of False Washita, and one direct from Fort Gibson to the point where the latter road crosses the north fork of the Canadian.

On the road from Pensacola to Tallahassee, in Florida, repairs have been made, and bridges have been erected over several rivers, creeks, and sloughs. The officer in charge of the work, finding that the money expended would probably be lost by closing his operations when the appropriation was exhausted, went on to complete the work, and has exceeded the appropriation eighteen hundred and seventy-five dollars and five cents. I have not included that sum in my estimate, but I respectfully recommend that application be made to Congress for an appropriation to cover the expenditure.

The appropriatiod for the road from Fort Howard to Fort Crawford not being sufficient to carry on the work with advantage, by means of hired laborers or by contract, and the troops at both posts being engaged in building, nothing has yet been effected, except the survey of the route.

The labors at the Delaware breakwater were resumed early in July, and on the 18th of October, when they were suspended for the season, one hundred and twenty-two thousand nine hundred and ninety-five tons of stone had been deposited at the work, the greater part of which was used in bringing up that portion of it which had been previously founded. The whole of the appropriation made at the last session of Congress, except a small sum reserved for contingent expenses during the winter, will have been expended in closing the accounts of the work for the season.

For three years past the surveys of the work have exhibited a trifling deposite of mud and sand within the western extremity of the breakwater; but it was not until September of the present year that the shoal had assumed such a form and extent as to cause any apprehension of injury to the harbor. On reporting to you the fact, you caused a board of survey to be formed, and directed it to proceed to, and carefully examine, the work. The annexed paper, marked A; is a copy of their report, from which it will be seen that the facts previously reported are confirmed. In consequence of the unanimous opinion of the board, and with your assent, I have reduced the estimate for the next year to one hundred thousand dollars; that sum will be sufficient to bring the whole of the work already founded to its destined height, or nearly so; and, until the course of observations indicated by the board be completed, more should not be attempted.

Before closing my report, I deem it my duty, respectfully, to call your attention to the situation of the officer, clerks, and sergeants employed in my office. It has been stated in a semi-official form, and under high official sanction, that the increase in the expenses of the army are in a great measure to be ascribed to the employment of officers and sergeants in the public offices at Washington. It is not my place, nor would it be proper in a report like this, to refer to other offices; but, so far as this office is concerned, the statement made, and the opinion founded on it, are entirely incorrect. There is one officer attached to the office, who, under a regulation of 1818, receives, in addition to his pay as an assistant quartermaster, a per diem of one dollar and a quarter; there are three sergeants attached to the office, two of whom receive five hundred dollars, and the other three hundred dollars per annum, in addition to their compensation as sergeants. The two sergeants who receive the highest compensation, get, altogether, only seventy-five cents over eight hundred dollars, the pay of the lowest class of clerks in the civil offices, and the other sergeant receives less than a messenger in a civil office. They, as well as the clerks in the office, have often to labor on Sunday and at night, to prevent the business from falling back. Now, all I ask for them is, that a thorough investigation be made, and their compensation be fixed in relation to the labors which they actually perform, and to the responsibility of their stations. This would satisfy them; less would not be just.

It has been the practice of the Government, under every administration, as far as I have been able to trace the matter, (and I have traced it as far back as 1806,) to allow extra compensation for extra services. Under this practice, known to have existed so long, officers of this department, as well as other departments, sometimes claim a per centage for expenditures which they consider as not within the range of their appropriate duties; independently of orders and regulations, they will probably continue to claim that which they deem to be their right, and there is but little doubt of the courts of the country ultimately allowing it to them; recent decisions of the Supreme Court seem to have settled the principle. In this state of the case, I respectfully suggest whether it be not advisable that their duties be defined by law, or that power be conferred on the President or Secretary of War to define them; and either that the per centage for that which is now considered extra duty be positively granted or positively withheld.

In 1821, more than twenty officers of the Purchasing department were disbanded, and their duties were assigned by the Secretary of War to the Quartermaster's department; and, in May, 1826, Congress assigned to the department, by law, the direction of the accountability for clothing; this is an extremely disagreeable duty, abounding in laborious details, and one which brings the department into constant collision with the army. It can be effectually performed only by a department having the entire control of the subject. A separate bureau having been established, and specially charged with the administration of that branch of the service, I respectfully ask that application be made to Congress so to modify the law above referred to, that I may be relieved from that part of the duty which I am now compelled to perform, and that it be transferred to the officer in charge of the Clothing bureau.

I have the honor to be, very respectfully, your obedient servant,
TH. S. JESUP,
Major General and Quartermaster General.

The Hon. Lewis Cass,
Secretary of War, Washington.

REPORT FROM THE ENGINEER DEPARTMENT.

Engineer Department, Nov. 1, 1834.

The Hon. Lewis Cass,
Secretary of War:

Sir: In compliance with your instructions, I have the honor to submit the following report relating to the operations of this department during the year ending on the 30th September last. It is accompanied by three tabular statements, marked A, B, and C. The two first relate to its fical concerns, and the last exhibits the works projected by the Board of Engineers which have not been commenced, and an estimate of their cost.

FORTIFICATIONS.

Fort Independence, Boston harbor.—Operations on Castle island, the site of this fort, have been confined to the works referred to in my last annual report. The sea and wharf walls are nearly completed; their total length is 1,052 cubic feet, and 2,342 yards of stone have been used in their construction. All that part of the island exposed to abrasion from the action of the waves is, with the exception of about 150 feet, now amply protected. A portion of the old wall is, however, in a ruinous condition, and should be rebuilt without delay; an estimate for that object will, therefore, be submitted.

You will, no doubt, recollect that a revised project for rebuilding Fort Independence, with certain improvements, was presented by the Board of Engineers in March last; the question as to the adoption of this project not having been settled, it was deemed proper to limit the arrangement for executing that work to the collection and preparation of such materials only as will be alike required on the original and revised plan. The material and workmanship of the fort, in its present condition, are such as to render it probable that the whole work will have to be rebuilt.

Fort Warren, Boston harbor.—The late period at which the appropriations were made, at the last session of Congress, rendered it proper to limit the operations at this work to preparatory measures for efficient prosecution of the fort during the next working season. The buildings necessary to accommodate the laborers, and other persons employed at the work, are in progress of construction, and will be finished in due time. A wharf, requiring for its construction about two thousand cubic yards of stone in walls, and seventeen thousand yards of earth embankment, will soon be ready for the reception of materials. Every thing will be prepared to commence the masonry of the work early next spring.

Fort Adams, Narragansett roads, R. I.—Operations at this work have been prosecuted in the usual satisfactory manner. The fort, as far as constructed, is in good condition, and the funds appropriated for it have been applied to advantage.

Fort Hamilton, Narrows, N. Y.—The slight defects in construction, always to be expected in a work of this magnitude, have been repaired, and the fort may, by the end of the present year, be considered as finished.

Fort Lafayette, Narrows, N. Y.—A portion of the unexpended balance remaining on account of this work has been applied to the repairs of the sea-wall. This became necessary in consequence of the failure of the mortar with which it was pointed, and the settling of the wall in many places.

Fort Columbus and Castle William, Governor's island, New York harbor.—The report of the engineer charged with the repairs of these works is highly favorable. In the former, the scarp-walls, except the pointing and parapets, have been finished; the counterscarp revetments, and revetments of the glacis, are nearly completed. The facing of the covered-way revetment, leading from Fort Columbus to Castle William, will be done this fall. The masonry of the magazines and barracks, as well as that of the communications connecting the former, is finished, as is also the facing of the *redan.* All the masonry of the barracks on the south, west, and north fronts is nearly finished, and the roofs are in readiness to receive the covering; the masonry of those on the east front is in a state of forwardness. Measures have been taken to finish the repairs of Castle William as speedily as practicable.

Fort Schuyler, Throg's neck, East river, N. Y.—Agreeably to your instructions, the operations on Throg's neck have been limited to the making of such arrangements as will enable the officer charged with the construction of this fort to prosecute the work with efficiency during the next working season. The most ample preparations have been made. A permanent wharf will be in readiness by the time it is required; the necessary boats and machinery have been provided; an ample quarry of good quality of stone prepared, and, indeed, every thing that may tend to expedite the work, when commenced, will be found in waiting.

Fort Delaware, Delaware river.—The annual report of the officer charged with this work has not yet been received; this is no doubt owing to his perpetual engagements with the several works in course of construction under his supervision.

Fort Monroe, Hampton roads, Va.—All the permanent parts of this work were completed last year. The ramparts of fronts five, six, and seven, together with the glacis and road in advance of these fronts, were, with the exception of a small portion of front five, formed and covered with earth. The rampart of covertway and place of arms, in advance of front five, was in a state of forwardness along its whole extent, and fifteen thousand cubic yards of sand were deposited towards the construction of the redoubt; five hundred tons of stone were collected and put in place for the protection of the beach in front of casemated battery and the glacis of front six; conduit-pipes for conducting the water from the roof of casemated battery laid; the piazzas of curtains two and three completed, and all the materials for the draws to bridges and gates procured; the draws and gates to main entrance finished, and the timber for the others partly prepared; the earth for the parapets on all the fronts except one, two, and three, was collected at the foot of the scarp-wall; the ditches of all the fronts were excavated to their proper depth, and the glacis and road in advance formed, except those on the front one; the casemated covertway on front four was completed, and the funds available with the force then organized amply sufficient for the completion of the fort, with the exception of putting parapets on the main and outworks, which was not deemed advisable for the present, when the operations of the Engineer department were arrested by General Order No. 54. This order directed that the work, with its funds, be placed under the immediate orders of the officer commanding the troops on that station. The main work was, therefore, entirely completed except the gates, the raising of the half parapets on fronts one, two, and three, and the whole parapets on the other fronts—the earth required or these last being placed at the foot of the scarp. Four thousand three hundred and ten cubic yards of earth were required to complete the rampart of covertway on front five; twenty-one thousand three hundred and eighty to finish the rampart of redoubt; twenty thousand two hundred and ninety-seven yards for the construction of the parapet on covertway, and eight thousand eight hundred and ninety for the parapet of the redoubt.

It has already been stated that the funds available for this work were, at the time they were transferred, deemed amply sufficient for its completion according to the terms of the estimate upon which the appropriation of the last session of Congress was requested; and but for the circumstance above referred to, I should most likely have had the gratification of reporting it finished. It is proper to remark here, that the original plan of this work contemplates the revetment of the counterscarp, excepting on front four, with sods. Doubts are entertained, however, as to the durability of this material in a position like this, exposed to the abrasions of the waves and other action of the water in the ditches; and the question may arise as to whether it may not be proper to replace it by stone. This subject it was my intention to have brought to the notice of the War Department at the present time, and, if deemed necessary, to have submitted an estimate for a counterscarp revetment of stone.

Fort Calhoun, Hampton roads, Va.—The funds appropriated for this work have been applied in furtherance of the views referred to in my last annual report. Upwards of twenty-eight tons of stone have been added within the year to that previously received. Of the whole quantity received, 654.04 tons have been dressed for building, leaving 5,139.07 tons rough building, and 23,073 tons breakwater stone. All the stone required for building is now accumulated, and the position that will be eventually occupied by the mole serving as the basis of this work, is covered and protected by breakwater stone. Three thousand four hundred and sixty-five cubic yards of sand have been deposited within the interior of the fort towards elevating the terre plain. All the stone received this year, except eight hundred tons required for the extension of the mole to its proper limits, has been placed so as to act with a uniform pressure over the foundation of the walls of the work. It is estimated that the fort, when finished and garrisoned, will add to the permanent weight now acting on the foundation, about sixty-three thousand tons; of this, there are accumulated along its whole extent, and operating in a similar manner, 61,866 tons. It is proposed to add to this weight 25,000 tons of breakwater stone—the probable balance required for the graduation of the mole, and to compensate for its subsidence, and to allow the whole to remain until an equilibrium is established between the pressure and resistance, when the work may be resumed.

A careful examination has shown that, although the weight added within the present is double that of the previous year, yet the last annual subsidence of the centre of the work is less than one and a third of what it was in 1833—giving fair indication that the equilibrium will, ere long, be attained. Another favorable indication is, that those parts of the mole that formerly settled most, have this year gone down the least. On the whole, it may be inferred that all irregularity of settling is rapidly disappearing, and that the substratum is approaching a state of uniform compressibility throughout. During the gale of last winter, the temporary wooden wharf constructed for the reception of materials, having been much wormeaten, yielded to the action of the sea, and was almost entirely carried away; another has, therefore, become necessary; and it is proposed, with the funds now available, to build a new one, that its foundation may undergo the same test as that of the work.

Fort Macon, Beaufort, N. C.—Soon after I had the honor to submit my last annual report, when it was supposed that this work would, within a very short time, be finished, it was found necessary to fit up some of the casemates for the accommodation of the troops; to rebuild the wharf, which had become useless from decay, and to construct a dike to connect it with the fort. An estimate was submitted, and an appropriation made. The funds have been applied to these several objects, as well as in procuring materials for the preservation of the site; this being also contemplated by the estimate. The fort is completed and ready for inspection. The dike and wharf are, no doubt, done by this time, and the operations for the preservation of the beach have produced results of a very satisfactory character.

Fort Caswell, Oak island, N. C.—This work is in readiness to receive a garrison, and it is respectfully recommended that one be ordered to occupy it.

Fortifications in Charleston harbor, S. C.—Operations under this department in Charleston harbor have been directed, since my last report, to increasing the mole previously commenced on the site of Fort Sumter, and to the protection of the beach in the immediate vicinity of Fort Moultrie. They have, however, been but limited, in consequence of the late period at which the funds for the present year were rendered available. Five thousand five hundred and twenty-four tons of stone were added to the foundation of Fort Sumter in the fall of 1833, and the month of January last, when the shipments from the North were suspended for want of funds. Except the alteration produced by this addition, the mole remains in the same state as at the end of the last fiscal year. The heap, except at one place, is now raised to a level of two feet above low water, requiring about 11,000 tons of rough stone to complete it, besides ten thousand tons of split granite to form the foundations of the walls between high and low water. In this state it is proposed to leave the work till the question of jurisdiction over the spot shall be settled, and the necessary orders to that effect have been issued. This, it is hoped, will not be attended with much, if any delay. No estimate will, however, be submitted for that work, it being intended to apply the amount estimated for fortifications in Charleston harbor to the preservation of the site of Fort Moultrie.

In the month of September last, one hundred and twenty-seven tons of rough stone were deposited in the breakwater at Fort Moultrie. In consequence of not being able to procure sufficient stone in time, a portion of this work was washed away during the last winter and spring; this injury has, however, been repaired, and the whole work extended about one hundred and thirty feet: it is now upwards of one thousand three hundred feet long, presents a firm and substantial appearance, and has withstood several severe gales. The sand is accumulating about it, and experience, thus far, affords flattering assurances that the interesting and very desirable object for which it was commenced will soon be realized. It is proposed to extend it about four hundred feet further.

Fort Pulaski, Cockspur island, Ga.—This work has been prosecuted to the extent of the available means. The report from the local engineer presents it in a very satisfactory state.

Fort Marion, St. Augustine, Florida.—Little or nothing has been done at this work since my last report. Circumstances which are known to you, led to the belief, in the early part of the season, that the officer charged with operations at it had failed, in the application of the funds, to produce any satisfactory result. He was immediately suspended and brought to trial. He is still in arrest, and no report as to the condition of the work has as yet been received at this department. This, although much to be regretted, will be attended with comparatively little injury to the public service, owing to the very slight influence which the position exerts in our system of coast defence.

Fort Pickens, Pensacola harbor, Florida.—The estimate submitted last fall for this work, was, at the time, deemed amply sufficient to finish it, but the result has shown that the amount was too low. This has arisen, in part, from the great difficulty in anticipating all the contingencies incident to bringing a work of such magnitude to a final completion, and partly from the delay and consequent additional expense, in making the last appropriation, which did not become available till some time in June. Another appropriation has become necessary, and the objects to which it is proposed to apply the funds are, masonry, clay, sods, shells, carpentry, store-rooms, gates, magazines, a road, and bridge. The work was to have been delivered over to a garrison, in excellent condition, as far as completed, on the 1st of October last.

Fort on Foster's bank, Florida.—Ample preparations have been made for prosecuting this work with economy and despatch. Wharves, with other fixtures, and quarters, have been provided; a large amount of materials has been collected, and a well-organized force of mechanics and laborers engaged. The operations have been somewhat retarded by the exposed position of the work, which rendered it proper to limit the excavations for the scarp-wall during the month of September. This will not, however, be necessary after the 1st of October. The maximum estimate of $125,000, submitted by the local engineer, contemplates the completion of the whole work by the end of 1835, which he considers altogether practicable, with the facilities, in the way of materials and workmanship, at his command.

Fort Morgan, Mobile point, Ala.—This work has been finished according to the original plan, and is garrisoned.

Fort Livingston, Grande Terre, La.—The negotiation for the purchase of the site of this work, pending at the date of my last report, was, as anticipated, soon brought to a satisfactory termination. The purchase had been effected, and considerable preparation made for an efficient prosecution of the fort, when the works were suspended in consequence of the want of an officer of engineers to take the immediate direction of the operations. This occurred in July last, since which time nothing has been done further than to comply with the engagements entered into prior to the adoption of this measure.

Contingencies of fortifications.—Nine thousand three hundred and eighty-seven dollars and forty-two cents have been expended under this head during the fiscal year. This money has been applied to Fort McHenry, towers of Bienvenu and Dupre, Fort Jackson, Fort Hamilton, the survey of the fort at Provincetown harbor, and contingencies of the Engineer department.

INTERNAL IMPROVEMENTS.—HARBORS AND RIVERS.

Chicago harbor, Ill.—The operations for constructing an artificial harbor at this point on Lake Michigan, have progressed in a most satisfactory manner, considering the late period at which the appropriation became available, and the difficulties, in a country just emerging from a state of wilderness, to be overcome in procuring the necessary supplies of materials and workmen. The great importance of this improvement to the increasing commerce of the West is already felt—one hundred and eighty vessels having, between the opening of navigation and the 30th September last, arrived, and discharged their cargoes at this point, to be distributed along the shores of the Mississippi, through the valley of the Illinois. That this improvement is destined to form an essential link in the most important thoroughfare between the lakes and the Mississippi country, there can be no manner of doubt, and, for that reason, I would recommend that it be perfected as rapidly as circumstances will permit.

La Plaisance bay, Mich. Ter.—The operations on this work were resumed late in the working season, because of the prevalence of cholera, and the consequent difficulty of collecting the requisite force. Hopes are entertained, however, that ere this they have been brought to a close, and the pier completed in the manner contemplated.

For the condition of the works on the south shore of Lake Erie, as well as the progress made in their construction, I beg leave to refer you to the report of the general superintendent, herewith appended, marked D.

Genesee river and Big Sodus bay, Lake Ontario, N. Y.—Concurring fully in the views and suggestions of the immediate superintendent of the very important improvements at these places, I therefore beg leave to refer to his report, hereunto appended, marked E, as furnishing a concise statement of their actual condition, and also submitting the agent's views with regard to their permanent preservation.

Oswego, Lake Ontario, N. Y.—The funds appropriated for the works at this place became available at so late a period, that it was found impracticable to do more than to repair the injuries sustained by the storms of ice of the last winter, and to strengthen the mole by a deposite of about nine hundred cords of large stone. The unexpended part of the appropriation is supposed to be ample to meet the wants of the service for next year; no estimate for this work will, therefore, be submitted at this time. The sum of $3,666 was appropriated at the last session of Congress, for erecting a beacon-light at the end of one of the piers of this harbor. The application of this sum was committed to this department late in July last. The local engineer was, accordingly, instructed to carry into effect the object of the appropriation. It was soon found, however, that the sum appropriated would not accomplish the object, and, for that reason, the work was suspended till the facts could be made known and the further action of Congress obtained.

Monument on Steele's ledge, Penobscot bay, Me.—The sum of four thousand six hundred dollars was appropriated at the last session of Congress for this structure. It became available too late in the season to admit of much being done during the present year. The measures proper to carry the intention of Congress into effect have, however, been taken, and the work will progress with as little delay as practicable.

Piers at Kennebunk, Me.—The damages sustained last winter by the pier on the western entrance into this river, and the "*Perch rock*" pier, were repaired during the last summer. Preparations have been made to commence early next season the construction of the eastern pier, for which an appropriation was made at the last session of Congress, in a permanent manner. The lateness at which the appropriation became available, rendered this postponement indispensable.

Merrimack river, Mass.—The breakwater at this place has been strengthened by the addition of three hundred and twenty-four tons of stone placed at the end and sides most exposed to the violent action of the sea. The pier leading from Badger's rock to Salisbury shore, commenced in August, is two-thirds finished, and hopes are entertained that it will be completed before winter sets in. These improvements have sensibly benefited the navigation, and will afford a safe point of refuge to vessels which may be compelled, by stress of weather, to seek shelter in that neighborhood.

Deer island, Boston harbor, Mass.—All the works projected for the preservation of this island have been completed.

Provincetown harbor, Mass.—The season proper for prosecuting the works to preserve this important harbor having passed before the funds for this purpose became available, operations were, from necessity, postponed till the next spring, when it is hoped that at least two hundred acres will be planted in grass. Those parts of the beach heretofore worked on are represented as doing well.

Plymouth Beach, Mass.—Five hundred feet of stone-wall have been constructed since my last report, on the west side of the breakwater at this place. Grass, to arrest the drifting sand, has been set out at various places on the beach, to the extent of about 50,000 feet, and 1,870 feet of brush fence, having the same object, have been constructed. The general condition of the beach is represented as good. The local superintendent says his operations are attended with success, and believes that the estimate now submitted, amounting to seven hundred dollars, will be sufficient to provide every thing necessary to place the beach in a condition to require but little more, unless the inroads of the sea should produce a new state of things.

Hyannis breakwater, Mass.—Owing to the lateness of the season at which the appropriation for this work became available, but little progress could be made towards its extension during the present year. It is, however, represented as affording to the coasting navigation considerable protection, and as promising to be very effectual when completed.

Hudson river, N. Y.—At the last session of Congress seventy thousand dollars were appropriated towards the improvement of this river from a point a little below Albany to Waterford. This sum was committed to this department for application. The law making the appropriation designates the plan upon which the improvement is to be made. With the view, therefore, to take the measures proper to carry into effect the wishes of Congress, this plan was, for the first time, examined in this department; and the result of this examination is a serious apprehension that the plan is impracticable, and totally inadequate to produce the desirable results for which it is plain the appropriation was intended. This may appear somewhat surprising, as the law refers to this plan in a way to induce the belief, on a casual examination, that the project had been sent to Congress for its action after having received the sanction of the War Department. Such is not, however, the case. The gentleman who projected this plan, being at the time a civil engineer in the employment of the General Government, was required simply to make an examination of the river within the limits mentioned, with the view to procure all the facts in relation to the obstructions, which it is the object of this appropriation in part to remove. These facts, his instructions expressly stated, were to be laid before the Board of Internal Improvement, to enable it to devise and mature a plan for the purpose. The examination seems only to have been made, however, to the extent deemed necessary by the gentleman charged with it, to enable him to devise a plan himself. This plan is that referred to in the law. Before it was submitted by its author, the branch of service to which he belonged was separated from this department, and, of course, his returns were not made to it, but to the Topographical bureau, where they were filed, and the subject never went before the board. Soon afterwards, 15th of March, 1832, it was resolved by the House of Representatives "that the Secretary of War be requested to communicate to this House the survey and report for the improvement of the Hudson river;" and on the 30th of the same month all the papers embracing the plan were sent up, without the expression of any opinion as to its merits, or of the survey upon which it was based.

This improvement is one of the most important that has ever been committed to this department, and its difficulty is commensurate with the vast interests to be affected by it. Under these circumstances, it was deemed proper that a competent agent should be sent to the Hudson to verify the survey, and to supply the defects of the drawings, after an examination into the natural causes which operate to produce the obstructions to be overcome; to report upon the plan devised to remove them; and, finally, to submit in detail such views as might be suggested by the nature of the difficulties. This seemed indispensably necessary, in order that the department might have some fixed and well-defined project upon which to go to work with the hope of success.

An officer of engineers, in whose ability the department has the utmost confidence, was therefore designated for the performance of this duty, and to manage the improvement generally; but, owing to the crippled and totally inadequate force of the corps of engineers to meet the increasing demands upon it, it was found impracticable for some time to relieve the officer thus detailed from the duties with which he had been previously charged. After some delay, however, he was finally despatched to the Hudson, and is at present actively engaged in his new duties. It is hoped that the course pursued with reference to this improvement may prove satisfactory. It was adopted from a conviction of its necessity, and a strong belief that it will be found in the end to have expedited the work, and to have saved a large amount of money from total loss. It is probable that the proper plan for prosecuting this improvement may differ widely from that alluded to in the law; in which event, some further legislative action on the subject will become necessary before the funds now available can be expended. As soon as the subject shall be matured, it will be submitted, that such further measures may be taken as circumstances may seem to you to render proper.

Harbors of Newcastle, Marcus Hook, Chester, and Port Penn, Delaware river.—No report in reference to these improvements has as yet reached the department, and for the reason, no doubt, which has operated to delay the report for Fort Delaware, the same officer being charged with both.

Ocracoke Inlet, N. C.—The report of the officer charged with the improvements at this place is herewith submitted, marked F. It possesses considerable interest, and I would, therefore, respectfully call your attention to it.

Cape Fear river, N. C.—The appropriations for the improvement of this river having exceeded the original estimates, without being attended with any permanent benefit, and the local engineer having suggested a system of improvement requiring further appropriations, his report is herewith appended, marked G, to which I beg leave to call your attention.

Savannah river, Ga—The requisite surveys to ascertain the extent of the obstructions to be removed for the improvement of this river have been completed, and a return thereof submitted to the consideration of Congress at its last session. The dredge and tow boats, and mud flats, with machinery, are in a forward state of preparation, and it is anticipated that the operations for clearing the channel will be commenced at an early day with much force and vigor.

Inland pass between the St. John's and St. Mary's, Florida.—Nothing has been done as yet at this place, and for reasons stated in my last annual report. The result would have been the same, however, even if one or more of the dredging boats in operation under the department on that section of the coast had become available for this improvement, for the department had no officer whose services were not imperiously required elsewhere.

Ochlochony river, Florida.—The expenditures on this river have been directed to the removal of the rafts and trees which obstructed its navigation. The river is now open for a distance of one hundred and fifty miles from its mouth.

Appalachicola river, Florida.—The improvement of the Appalachicola harbor to the opening of the "straight channel," has been attended with great success. Vessels of the largest class, trading in that quarter, now pass up to the wharves of the town. It remains to be determined whether it will be necessary to obstruct the other outlets of the river, to force the water more effectually into the new channel. Should this become necessary, there are abundant funds available to effect it.

St. Mark's river and harbor, Florida.—The want of funds during the last year, and the high waters of the present, have retarded very considerably the operations for the improvement of the river. The works on the river are, for the present, suspended. Similar causes, joined to the prevalence of disease, have operated to the prejudice of the harbor improvements. All unnecessary delay will be avoided, to bring these works to a close.

Escambia river, Florida.—Soon after the appropriation was made for the improvement of this river, the work was put under contract, subject to the general supervision of an officer already charged with several works of equal, and perhaps greater importance, because the department had no officer in whose immediate charge it could be placed. The department is now informed that the contractors have failed to fulfil their engagements. Up to the middle of December last they had but partially cleared a small portion of the river of its obstructions, when their operations were arrested by high water, which continued from that time to the close of August. In consequence of the dilatory proceedings of the contractors last year, and their having made no preparations to resume operations the present, it was determined in August last, to take the work out of their hands and to prosecute it with hired labor. The exorbitant price asked for labor at that time was, however, a source of further delay, and the probability now is, that, notwithstanding the work may have been commenced, as was expected on the 1st of October, it may not have been with sufficient force to finish it before the winter freshets begin. All of this difficulty, which cannot but be attended with a sacrifice of much money, would have been avoided if an officer could have been spared to take the immediate direction of the improvement in the first instance. The further prosecution of the work has been, from necessity, transferred to the Quartermaster's department.

Mobile harbor, Alabama.—As anticipated in my last report, the operations at this place were, early in the present year, brought to a satisfactory termination. The channel through this pass is one hundred feet wide and ten deep. Vessels navigating the bay have now a direct passage into port, and are no longer obliged to reach it by the circuitous route of the Spanish river. The width of the channel was, however, soon discovered to be insufficient to admit the free passage of vessels with adverse winds; and to avoid this difficulty, an enlargement of three hundred feet was recommended. An appropriation of $10,000 was accordingly made at the last session of Congress to effect this object. In taking the usual measures to apply this money, it was soon perceived that the machinery used under former appropriations was out of order and very much worn, requiring extensive repairs to render it useful. That the funds might not be exhausted in making these repairs, the work was put out to contract. The contractor having expressed fears of not being able to make the improvement for the price stipulated, was desirous of being released from his obligation; but this having been refused him on the part of the Government, because of the great delay occasioned by his having taken the contract, it was hoped that he had commenced the work, as it was believed that, with proper management and economy, he could have accomplished it for the contract price and obtained a fair profit. A letter has just been received, however, communicating the determination of the contractor to have nothing to do with it. To repair the old machinery of the Government, and prosecute the improvement by hired labor, the funds would be insufficient. An additional appropriation will, therefore, be necessary, and it is to be regretted that this information did not reach the department in time to include the amount in the regular estimate: it is $18,000.

Pascagoula river, Miss.—The difficulties with the contractor, referred to in my report of last year, still continue, to a certain extent, to exist, and to retard the operations of the improvement at the mouth of this river. The work is progressing, yet so slowly, and so little to the satisfaction of the general superintendent, that he proposed, should no improvement in this respect have taken place by the 1st of this month, to resort to legal measures to abrogate the contract; after which the work will be prosecuted either by hired labor or a new contract, under penalties that will ensure its execution. The available funds are supposed to be ample to effect the object.

Ohio and Mississippi rivers.—For the information as to the state of the improvements in these rivers, I beg leave to refer you to the reports of the officer charged with their general superintendence. They are appended, marked H, H 1, and H 2.

Red river, La.—Operations on this river were suspended last fall for want of funds. The appropriation for their further prosecution was made at so late a period as to render it impracticable to do any thing during the last summer. The agent charged with the improvement has, however, made all the necessary preparations to prosecute the work with despatch, to the extent of the available means, and is, no doubt, at the great raft ere this.

Arkansas river, Arkansas Territory.—The operations for the improvement of this river were prosecuted last winter till the funds were exhausted. They extended from the mouth of the river to Little Rock, a distance of 250 miles. Within these limits 1,557 snags were taken from the channel, and 3,370 snags and logs cut from the sand-bars and under the banks within the bed of the river. The navigation has been much benefited, but there is yet much room for improvement.

Cumberland river.—The operations for improving the navigation of this river have, since the date of my last report, been directed to strengthening the wing dams at Flax Patch bar, the head and foot of Harpeth island, and to quarrying and removing the rock from the channel-way of Harpeth shoals, the bottom of which is stated to be reduced to an even surface, and to have more water over it than the sand-bars below. A number of the most dangerous snags have been removed from the bed of the stream between the shoal and Line island. A conglomerate of gravel and iron ore, forming a ledge in the channel of the Devil's chute, at a place where it is but twenty-seven feet wide, has been, in part, taken out, and the whole will most likely be removed this fall. After this the force will be concentrated at Line island, to raise the steamer President, wrecked last June in the channel at that place.

LIGHT-HOUSES AND BEACON-LIGHTS.

The appropriations for the lights at Huron, Grand river, Cunningham creek, Ashtabula creek, Conneaut creek, in the State of Ohio; Genesee river, Big Sodus bay, and Oswego, in New York; and Goat island, Rhode Island, were referred for application to this department. Measures have been taken to apply the funds for the first five named, but those for the latter not being sufficient to accomplish any thing of a permanent and substantial character, it was deemed proper to wait the further action of Congress in the matter. The reports, with estimates of the agents at Genesee, Big Sodus, Oswego, and Goat island, have been referred to the proper department, that they may, if deemed necessary, be laid before Congress.

ROADS.

Roads from Detroit to Fort Gratiot, Saginaw, mouth of Grand river, and Chicago, in the Territory of Michigan.—No appropriations having been made at the last session of Congress for the continuation of these roads, operations on them were, of course, limited to the funds remaining to be applied from the appropriations of the previous year. Estimates for the completion of the first, and continuation of the others, will be submitted.

Road from La Plaisance bay to the road leading from Detroit to Chicago, Mich.—Circumstances have conspired to render the last season one of the most unpropitious for the progress of this road. The continued rains of last fall and spring, and the prevalence of disease throughout the Territory during the summer, retarded the work to a very considerable degree. Eighteen and a half miles have, however, been finished in portions at different points of the route, and eight and a half are in progress, with fair prospects of being completed this season, leaving twenty and three-quarters miles unfinished, for which an estimate will be submitted. Such portions of the road as are done, are represented as having been well executed, and upon very reasonable terms.

Roads from Clinton to the rapids of Grand river; from Sheldon to the mouth of the St. Joseph's; from Niles to the same point; from Port Lawrence to Adrian, and from Vistula to the Indiana State line, Michighan.—The appropriations for these roads having been referred to this department, the necessary instructions have been issued to apply them in a manner to meet the views of Congress. No returns having been received from the agents, it is impossible to state, at this time, how far operations have progressed.

Road from Line creek to the Chattahoochie, Alabama.—No appropriation was made for this road at the last session of Congress. The unexpended balance of the former appropriation has been applied during the year, and an estimate for continuing the operation to the completion of the road will be submitted.

Road from the north boundary line of Florida to Appalachicola, Florida.—A topographical engineer is now engaged in making a survey of the route of this road, in conformity to the requirements of the law. The survey not having been finished, nothing has been done, of course, towards construction.

Road from Memphis to the St. Francis river.—The returns of the survey of this road did not reach this department till the 18th of June last. It was, therefore, not till the 25th of July that the preliminaries necessary to enter into the object of the appropriation could be accomplished. A re-examination and survey of the route were then made, and advertisements issued for proposals to construct by contract. In the mean time the requisite subdivisions of the route to be embraced by the contracts were marked off, and the superintendent now reports that the work contracted for has progressed to his entire satisfaction; the contractors evincing every disposition to prosecute their engagements with energy, and giving little apprehension that any of them will be forfeited from failure or other cause. Nine miles of the distance, over the worst part, are nearly completed, and on the remaining distance of sixteen miles the work is progressing well. The agent represents the necessity of forcing his operations; this being required by the great emigration to Arkansas, that has no other road by which to reach its destination. This being also consistent with economy, he has, accordingly, submitted an estimate of the sum required to complete the road, which, together with the amount appropriated, will make the total cost less than the original estimate.

Cumberland road in Illinois and Indiana.—Little or nothing has been done on the national road in these States, in the way of extension, since the date of my last annual report. For reasons then stated with regard to the road in Illinois, and in consequence of the increasing difficulties on that in Indiana, it became a matter of great importance to limit the expenditures in these States to the fulfilment of existing contracts, in the hope that some legislative action might be had that would produce a better state of things. This hope was only realized in the month of June last, after a great portion of the best part of the working season had passed. An officer of engineers, possessing much experience, was designated, with as little loss of time as practicable, to take charge of the work. He has been engaged, since his arrival on the road, in ascertaining the state of its affairs, and in organizing an efficient force for the active prosecution of operations. His annual report has not yet reached the department. This is doubtless owing to the sickness with which he has been much afflicted during the past summer, but as soon as it is received, it shall be laid before you.

Cumberland road in Ohio.—For the condition of that portion of this road yet in the hands of the General Government, as well as for the progress made in its construction, I beg leave to refer to the report of the superintendent, herewith submitted, marked I.

Cumberland road east of the Ohio.—No report on the present condition of this road has been received. This is to be attributed to the causes referred to under the heads of Fort Delaware and harbors in the Delaware river, all appertaining to the superintendence of the same officer.

Northern boundary of the State of Ohio.—Observations for the determination of this line were prosecuted last summer to the extent that the available means would allow. The results have not yet been communicated, and for the reason that the officer who made the observations has, as yet, had no time to complete his calculations, having been constantly occupied with duties that would not admit of delay. Indeed, it is impossible to say when they can be looked for; certainly not till the examination of the Hudson shall be made. The same officer is now charged with both.

Monument to the memory of General Brown.—This is nearly completed. It was put under contract in New York soon after the appropriation was made. It will be in its place by the 1st of January at farthest.

Basement story of War office.—The appropriation for fitting up the basement story of the War office has all been applied to the objects for which it was made.

The lithographic press of the War Department has been employed during the past year in the usual way.

Military Academy.—This institution continues to sustain its high reputation, as is shown by the report of the Board of Visiters who attended the last annual examination of the cadets. The report is submitted herewith, marked K. I visited the academy in September.

The Board of Engineers.—The duties of the board have been the same as heretofore.

Office of the Chief Engineer.—The current business of the office is of the same character as heretofore, though somewhat increased, in consequence of the additional works referred to the Engineer department.

The subject of an increase of the corps of engineers has been so repeatedly and earnestly urged on the attention of the War Department and of Congress, without finding any remedy for the evils as frequently referred to, that I almost consider it out of place to renew it here. The palpable inadequacy, however, of this arm of service to meet the numerous requirements of Congress, still leaves room to hope that if the facts are fairly stated and understood, the labor and responsibility annually thrown upon the department will either be diminished, or its force made commensurate with them. This is not to be understood as a complaint that Congress require too much; it is a candid declaration of what is really the fact, that all they require cannot be accomplished with the present means. What are the facts?

Ninety-one different appropriations, amounting to more than two millions of dollars, have been referred to this department for application within one fiscal year; and to accomplish this, and to meet all the responsibility which it involves, the department is provided with only twenty-seven officers whose services can with certainty be commanded; and of these, about one-third have had no experience. The consequence is, that works of the utmost importance, with large sums of money, are committed to the hands of agents unknown to the department, with no certainty whatever that the one will be properly managed, or the other faithfully applied and accounted for. Besides, these agents are very numerous; their compensation is drawn from appropriations under which they are employed; citizens acting in the responsible capacity of constructing engineers and disbursing agents must be well paid; and hence large amounts of many of the appropriations are diverted from their proper objects, and applied to the payment of salaries. But if this was the extent of the evil, it would be comparatively unimportant.

Large sums are lost for want of sufficient agents qualified to project and execute plans for the improvements ordered by Congress. A reference to the numerous reports on the failure of works, particularly to my last annual report, will abundantly show that this remark is not induced by any hypothetical case; it is, unfortunately, the suggestion of experience; so that, besides being executed badly as to durability, and, as regards neatness and appearance, in a manner little calculated to do us any credit, many of our public works cost, on an average, at least fifty per cent. more than they would under a different arrangement. There is certainly no economy in this: enough money has been wasted within the last few years to have supported a corps of professional engineers sufficient for the proper management of all the national improvements in the country.

The completion and the consequent advantages expected from our public works are, moreover, retarded and deferred by the operation of the same causes. One million and seventy-six thousand dollars of the appropriations made and referred to this department in the beginning of 1833, remained unexpended at the end of that fiscal year. The sum of one million seven hundred and ninety-nine thousand dollars and upwards, applicable to the works of fortifications and internal improvement, was undrawn from the Treasury on the 1st of October.

A comparative view of the face of our country twenty years hence, improved under the present system and that proposed, with the same amount of money, if such a thing were possible, would present a difference in favor of the latter that could not fail to impress every mind feeling the least interest in the subject with the extravagance of our present mode of doing business.

The evils here complained of cannot be remedied by any system of supervision at this place, however vigilant. The character of every work of improvement, if it satisfy the object of its creation, must necessarily depend upon circumstances peculiar to its locality, and the end to be attained. These can only be understood and appreciated by those possessing an acquaintance with the sciences, and a professional experience which cannot be expected from persons who may be induced in advanced age to quit other pursuits to commence the subject of engineering from considerations of mere pecuniary gain; yet the department must act, and authorize expenditures, upon information derived from agents of this description, or, what in many cases might be better, cease to act at all.

An efficient and economical execution of the will of Congress in matters referred to the Engineer department can only be expected from a regular and well-constituted corps of professional men, whose interests shall be identified with a faithful performance of the duties required of them. This cannot be looked for under the present state of things.

An effort has been made to organize a system of inspection; by which the errors of inexperience might be corrected before they could lead to consequences of a serious character; but the only officers fitted by skill and experience for such duty being literally broken down by the mass of labor already heaped upon them, the effort proved unavailing. There is not one of these officers who is not charged with the responsibility of conducting some half dozen works at the same time, leaving them little time for study, and less for the relaxation absolutely essential to health.

For the reasons stated, it is recommended to increase the present corps of engineers to the extent deemed absolutely essential to meet the wants of the department. The plan of increase proposed would add annually three members to the lowest grade of the corps, till it should attain the form and organization presented in Senate bill No. 78, of the session of 1829–30, as amended and reported by the Committee on Military Affairs, 12th February, 1829. This bill is as follows:

A BILL providing for the gradual increase of the Corps of Engineers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and six second lieutenants: *Provided,* That not more than three lieutenants shall be added annually over and above the number necessary to fill vacancies which may occur in said corps, until the whole corps shall take the form and organization above prescribed.

Sec. 2. *And be it further enacted,* That the pay and emoluments of the officers of the said corps shall be equal to those allowed to the officers of the light dragoons, under the act of the 12th of April, one thousand eight hundred and eight, except so far as relates to the rations allowed to the captains and lieutenants by said act; in lieu of which the captains and lieutenants of said corps shall be entitled to receive the same subsistence as is now allowed to the other corps of the army; and that in cases in which forage is not drawn in kind, the officers of the said corps shall be entitled to receive, in lieu thereof, eight dollars per month for each horse which said officers may, by their rank, be entitled to keep.

Sec. 3. *And be it further enacted,* That so much of the act passed the twenty-ninth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby, repealed; and that the paymaster so authorized and provided be attached to the Pay department, and be in every respect placed on the footing of other paymasters of the army.

Sec. 4. *And be it further enacted,* That the officers authorized to be appointed by this act be subject to the rules and articles of war as they are now, or may be hereafter, established.

Sec. 5. *And be it further enacted,* That all letters and packets to and from the Chief Engineer, which may relate to his official duties, shall be free from postage.

All of which is respectfully submitted.

C. GRATIOT,
Brig. Gen., Chief Engineer.

REPORT OF THE BOARD OF VISITERS OF THE MILITARY ACADEMY.

West Point, (N. Y.) June 17, 1834.

To the Secretary of War:

Sir: In compliance with your request, the undersigned have attended, as a Board of Visiters, during the general examination, at the United States Military Academy, just concluded, and have "directed their inquiries to a full and free investigation in regard to the course of instruction, both military and scientific, and to the internal police, discipline, and fiscal concerns of the institution." That these several objects of inquiry might be attended to as thoroughly and successfully as possible, the board, at its organization, referred them to separate committees, who have presented full reports with regard to them, accompanied by some suggestions for the improvement of the institution. Copies of these reports are forwarded to you; and the board take the liberty of referring you to them for details, while they confine their joint report to a general and brief view of the present condition of the academy.

The fidelity of the professors, and the assiduity and proficiency of their pupils, were tested by an examination on the several subjects, extending over eleven days, and continued each day for eight hours.

The sciences not strictly professional, included in these examinations, were mathematics, taught here from the elements of arithmetic to the profound theorems of the integral calculus; natural philosophy, including mechanics and astronomy; chemistry, in connexion with mineralogy and geology; and, lastly, rhetoric, and moral and political science.

The subjects of professional study are, civil and military engineering, and infantry and artillery tactics; with the last of which are connected ballistics and pyrotechny.

A part of the first two years is devoted to the study of the French language, with which a competent acquaintance is required by the cadets.

Lastly, great attention is very properly paid, in this academy, to the art of drawing, the practical applications of which are so frequent and important in the military profession.

These subjects, combined, certainly constitute an excellent preparatory education for officers of the army, and the examinations proved that they were faithfully and skilfully taught. Marked inequalities were, indeed, observed in the proficiency of the cadets, and defects remain to be corrected in the organization of some of the departments; but still the exhibition was, on the whole, highly satisfactory and gratifying.

Frequent opportunities were presented to the board of witnessing the practical skill of the corps in infantry and artillery exercises, and their fine and soldierlike appearance in the ranks, and the accuracy with which they executed their various evolutions proved that this essential part of the duties of a military academy was sedulously attended to by both officers and cadets.

The discipline of the institution was carefully examined in its various bearings, and the board have reason to think that it is in an excellent state. The laws seem to be executed with a stern regard to the good of the service, yet with kind and paternal feelings; and the officers and professors are believed to be generally both beloved and respected.

The internal police of the institution was found to be carefully attended to. The rooms in the barracks, occupied by the cadets, exhibit a gratifying appearance of neatness and order, while, at the same time, they give rise to regret on account of the inadequate accommodation which they offer. The mess-table is well supplied with plain, but good and wholesome food. In the event of sickness, which the board are happy to find has been lately of rare occurrence, suitable and comfortable accommodations are provided at the hospital, with the best medical attendance.

The board directed an inquiry to be instituted, with as much minuteness as circumstances would admit, into the fiscal concerns of the institution. The result, which will be found fully detailed in one of the reports sent herewith, is, that the accounts are kept in a correct and satisfactory manner; that the expenditures are made in accordance with the appropriations; and that a proper attention is paid to economy in the expenses of every kind. To prevent extravagance in the cadets, there is a regulation which prohibits to them the possession of money, or the use of it, or expenditure of it, except with the consent of the superintendent, who stands, with regard to them, in the place of a parent, and who, it is believed, exercises his authority with enlightened discretion.

The whole investigations of the board lead them to the conclusion that the Military Academy is a most valuable and essential part of the army establishment of the United States; that, at a cost so low as not to exceed that of a second-rate man-of-war, it prepares, and can spread over the whole country, officers instructed, and capable of giving instruction, in the military art; and thus, without the danger arising to liberty from large standing armies in time of peace, enables the Government to fulfil the duty which the constitution so solemnly enjoins, of "providing for the common defence;" and, lastly, that if our young citizens were commissioned in the army as lieutenants, in the first instance, as they must be if this institution be abolished, they could not obtain, in four years, even the same military knowledge as the cadets, while their probation and education would be far more expensive to the country.

G. VAN SCHOOHOVEN, *Pres't.*
ALVIN BRONSON.
JAMES HOOKER.
CHARLES B. PENROSE.
H. P. COMINGE.
JOHN T. ANDERSON.
R. M. PATTERSON.
ACHILLE MURAT.
W. P. DUVAL.
WRIGHT C. STANLEY.
PHILIP LINDSLEY.
J. L. SMITH, *Capt. of Eng'rs.*
JAMES LATIMER, Jr.

T. B. DALLAS, *Secretary.*

The undersigned freely subscribe to the within report, without expressing an opinion with regard to the last paragraph.

WM. SMYTH.
J. W. SCOTT.

The undersigned, having been invited to be present, as a visiter, at the general examination of the cadets of the United States Military Academy, can, with the greatest pleasure, bear testimony to the proficiency, generally, of the pupils in the various departments of learning, both military and scientific, which have occupied their attention; but, in conforming to the letter of instructions forwarded to him by the honorable the Secretary of War, which is as follows: "The object of this regulation is, that the War Department may be correctly informed of the condition and management of all the concerns of the academy; it is, therefore, desired, in conjunction with the other members of the board, that your inquiries may be directed to a full and free investigation in regard to the course of instruction, both military and scientific; to the internal police, discipline, and fiscal concerns of the institution; for which purpose every facility will be afforded by the superintendent. The result of your observations, with any suggestions for the improvement of the academy, will be communicated to this department"—feels it to be his duty, without an utter abandonment of opinions long since formed, and deliberately entertained and expressed for years, but with great deference to the opinions of other members of the board, to dissent from some of the views contained in the general report which has been submitted by the Military Committee.

Deeming it unnecessary to inquire whether a military academy is necessary and proper for the existence or support of a free republican Government, where every citizen will be, at all times, ready to stand forth in defence of the liberty and independence of his country, the undersigned will proceed simply to make a few observations, which, he thinks, may justly be presented, with regard to the administration, and as suggestions for the improvement of this establishment.

By reference to the history of the military school at West Point, it is worthy of remark that, in the early usage of the government of the institution, the pupils were selected mostly from the indigent sons of that class of revolutionary worthies who had shed their blood in defence of our national rights and independence. It would seem, then, that this institution was principally designed, by its founders, for the education of indigent and meritorious young men. A list of those, however, who have been admitted as cadets, shows, conclusively, that a large proportion of them have been drawn from the rich, the influential, and the wealthy classes of the community; and this, doubtless, may be attributed to the power of nomination and selection being lodged in the hands of Senators and Representatives.

That such a mode of recommendation and selection is every way objectionable and unjust, there certainly can be but one opinion among men of candid and impartial minds; to say nothing of the bad policy of educating and rearing up, either for the army or for the walks of civil life, the sons and relatives of the rich and powerful at the public expense.

Any institution supported by the funds of the National Government, which closes its doors to any class of merit, however friendless and indigent, seems to the undersigned to be unequal and partial in its operations, inconsistent with the spirit and genius of our liberal institutions, anti-republican in its tendency, and should not be tolerated.

Another and most important objection is the exclusive privilege to which its graduates are entitled, of being promoted to stations in the army, while other individuals in society, who have not had the advantages (free of expense) of instruction at this Military Academy, though their talents and qualifications may be sufficient, and in every way equal to those of the cadets, are entirely excluded.

The undersigned has thus briefly and candidly sketched some of the objections which, it seems to him, must occur to the mind of every one to the administration of this establishment. Nor is he singular in these views. The people of the State of Ohio, of which he has long been an humble citizen, have been led to examine into the merits of this institution, and have, unless he is greatly deceived, very distinctly declared their opinions, not only through their legislative body, but by an expression of public meetings of intelligent and respectable citizens, against the expediency as well as constitutionality of this seminary.

It is not the province of the undersigned to suggest the remedy: that rests with the Congress of the United States, and not with the Board of Visiters. But he believes that nothing, at present, can have a tendency to allay the well-grounded objections and prejudices against this establishment, until merit and talents, and not the influence of wealth, or of personal or of political favoritism, shall be the tests of admission.

JOHN HAMM, *of Ohio.*

West Point, (N. Y.) June 16, 1834.

Report of the Committee on Internal Police.

The Committee on Internal Police, whose duty it was made to inquire into the state of the public buildings, the accommodations for study, for recreations, and for sleeping; the subsistence and clothing of the cadets, and the state of the hospital, and the attention to the sick, have examined the various subjects submitted to them, and do now report the information collected.

The public buildings are of solid and permanent materials, and of good workmanship; they are in a state of good repair, and a remarkable degree of neatness and cleanliness every where pervades them.

In the main they are well adapted to the purposes to which they are appropriated: there are some exceptions, and to these attention is now invited.

The north barracks contain forty-eight rooms, and in each room are located from four to five cadets: whether this number is not too great, if the comfort of the cadets be consulted, is an inquiry well deserving consideration.

The rooms in the south barracks are thirteen feet six inches long and nine feet wide; the doors open directly into the piazza, and are immediately fronting the fireplace. In each of these rooms are located three cadets. The size and exposed situation of the rooms in these barracks, and the number of cadets quartered in each room, are inconsistent with the health and comfort of the occupants.

A radical alteration in these barracks ought to be made, and additional rooms for the accommodation of the cadets ought to be provided.

The rooms may possibly be rendered less exposed by enclosing the piazzas with a permanent wall, or with temporary blinds during the winter; but, with these alterations, additional rooms ought to be provided. The rooms are entirely too small for the accommodation of three cadets.

In the further prosecution of the inquiries submitted to us, we ascertained that, throughout the whole establishment, no room was set apart for chemical purposes, or in which a laboratory had been erected; nor was there a room of adequate size provided, in which might be kept the philosophical apparatus. A large and elegant telescope, understood to have cost fourteen hundred dollars, is placed in a slight wooden building, perishable in its nature, and insecure in its structure. A house erected with a view of supplying these evident and palpable deficiencies, that is to say, a house which should contain additional rooms for the cadets, rooms for the chemical and philosophical apparatus, if built of permanent materials, and in a workmanlike manner, would increase the value of the real estate belonging to the Government, by a sum nearly, if not quite, equal to the cost of the building.

The committee inspected the rooms of the cadets: great neatness, cleanliness, and order, prevailed throughout. Upon inquiring into the cause of the great uniformity which pervaded each room, it was ascertained that the regulations of the institution descend to the most minute particulars, such, for example, as assigning a particular place for the books, caps, beds, tables, and, in truth, for every article of necessity or convenience belonging to the cadet. No cadet is permitted to use tobacco, or any inebriating drink; and to this regulation may, in part, be attributed the cleanliness of the rooms, and the general good order which prevails in the institution.

Your committee next turned their attention to the subsistence of the cadets, and they were surprised to learn that no storehouse had ever been provided at public expense. A small wooden building has been erected at the expense of the contractor, in which are placed, for safe-keeping, the different kinds of crockery ware. Any thing but order reigns. No improper imputation is designed to be thrown on the contractor; a different and a better arrangement cannot be made in a building of so small a size. A permanent building, of adequate dimensions, can be built for one thousand dollars.

The subsistence, as set forth in the bill of fare, and as is provided by the contractor, is abundant and wholesome, and sufficiently varied. The viands and vegetables are varied each and every day. The clothing of the cadets is abundant, of good materials, and supplied at reasonable prices fixed by the Board of Clothing Inspectors. Each cadet is furnished with a check-book, and is not to be supplied with articles by the storekeeper, tailor, or shoemaker, without an order in such book from the superintendent, or, in his absence, of the commandant.

These regulations prevent the cadet from being overreached in prices he might be made to pay for articles purchased, and enables the prudence of the superintendent to inculcate lessons of economy. Articles of necessity and comfort are furnished him; those of luxury and unprofitableness are withholden from him.

Every part of the hospital is well arranged, and is characterized by neatness and cleanliness.

Whatever can render tolerable the bed of sickness, whether it be the appearance of the external objects, or the kindness and assiduity of the physicians, is to be found. Fortunately, the salubrity of the climate and the elevation of the country prevent the frequent occurrence of disease.

All which is respectfully submitted, by order of the committee.

W. C. STANLEY, *Chairman.*

Report of the Committee on the Course of Studies.

The Committee on the Course of Studies report as follows:

The only preliminary knowledge required for admission into the Military Academy is reading, writing, and the first elements of arithmetic. Several previous boards have strongly urged the necessity of adding to these prerequisites, but while the importance of their recommendation must be admitted, the fear of excluding candidates from remote parts of the country, where the means of good education are not at command, has prevented its adoption. It appears, however, to your committee, that there could be no valid objection to extending the prerequisites at least so far as to include geography, (an essential practical science, not taught at the academy,) and English grammar and composition, to be tested by the ability to write correctly on some suitable theme proposed at the examination.

The science which is justly made the basis of instruction at the academy, is mathematics. By far the greater part of the first two years is devoted to the pure science, and its applications are met with in nearly all the studies of the remaining course. The examinations included algebra, synthetic, descriptive, and analytical geometry, plane and spherical trigonometry, mensuration, and surveying, perspective, and the differential and integral calculus. These examinations were, on the whole, highly satisfactory, and showed, at the same time, the fidelity of the professors, and the assiduity of their pupils.

Natural philosophy is the principal study of the second class. A thorough examination in mechanics having been held in January, the class were now only questioned generally on the subject, and the examination was principally confined to electricity, magnetism, optics, and astronomy, with which studies the class exhibited a competent acquaintance. Your committee are pleased to have it in their power to speak in terms of just praise of the manner in which this department is conducted.

The second class were also examined on chemistry, and your committee were well satisfied with their performance, especially when they consider the unmerited disadvantage under which the department labors. Instead of having an independent organization, established by law, it exists only by executive authority. In the merit-roll, chemistry is valued at least one-third of natural philosophy. The acting professor, who has occupied his chair, with acknowledged ability, for many years, has only the pay of a second lieutenant, and is outranked at the academic board, by the assistant professors, many of whom have been his pupils. Your committee cordially join in the recommendations made by previous boards, that the department of chemistry, including mineralogy and geology, be placed on the footing of the other schools, having a permanent professor, and two officers acting as assistant professors, to one of whom the subjects of mineralogy and geology might be specially intrusted.

Engineering and the science of war constitute the principal studies of the senior class. The first examination held was on these subjects, and it was certainly such as must have proved satisfactory to the board. The general excellence of the drawings exhibited and of the sketches executed on the black-boards during the examination was particularly striking.

Infantry and artillery tactics, and pyrotechny, also form important parts of the instruction of the cadets; but as these subjects have been specially referred to the Committee on Military Affairs, it has not been judged proper to introduce them into the present report, any further than to state that the examination of ballistics exhibited one of the most direct and interesting applications of mathematics to the military art, and that it was conducted in a manner equally creditable to the professor and his pupils.

A part of the first two years is devoted to the study of the French language, with which the cadets are required to become at least so far acquainted as to understand its grammar, to be able to pronounce it intelligibly, and to translate it readily into English. They are also exercised in writing French themes. It is also to be regretted that very few of them make such progress as to be able to speak the language. The examinations in this department were as satisfactory as could be reasonably expected from the time allotted to the study.

In this academy great attention is very properly paid to the art of drawing, the practical applications of which are so frequent and important in the military profession. The proofs of proficiency in figure, landscape, and topographical drawing, were very satisfactory. During part of the present academical year, this department was under the superintendence of a distinguished artist, whose resignation and removal from the country are subjects of general regret.

The instruction in grammar, rhetoric, moral philosophy, and political science, is confined to the senior year, which is loaded with professional studies. But five hours in two weeks are allotted to the recitations. The professor, therefore, justly complains of the want of time for conveying adequate instruction in his department. It appears to your committee that this evil might be remedied, first, by extending the requisites of admission to the degree which they have recommended; and, secondly, by teaching rhetoric to the third class instead of the first. This study ought not to be postponed until incorrect habits of speaking and writing may be confirmed; and, besides, your committee are informed that time can be at present better spared in the second than in any other year of the course.

The professor of this department is also the chaplain of the station, and divine worship is conducted by him, once every Sunday, in the presence of the officers and cadets of the academy. Your committee think it desirable that further opportunities of religious instruction should be given, but they would not propose that the attendance upon them should be compulsory. A separation of the chaplaincy and professorship is anxiously desired by the reverend gentleman who now holds these offices. There are certainly some good reasons in favor of this measure, and, if the duties of both these offices should be increased, as proposed by your committee, this separation would probably become necessary.

Your committee, in compliance with their instructions, have inspected the cabinets of natural philosophy, chemistry, and mineralogy, and have found them generally in good condition, and containing many very valuable articles. The constant advances which the natural sciences are making require, indeed, that additions should be made to these cabinets from year to year, and appropriations will be wanted for this purpose; but the present collections are so extensive that no considerable expense need be incurred. Your committee have regretted to learn, however, that a large part of the mineralogical cabinet is not the property of the Government, and they have to express their hope that the purchase of the entire collection will no longer be deferred.

Your committee have also inspected the library. It consists of more than eight thousand volumes of works, for the most part immediately relating to the subjects taught at the academy, the whole appearing to be judiciously selected, well preserved, and kept under good regulations. To keep pace with the progress of science and to supply deficiencies already existing, it will be necessary, however, that additions be constantly made to it; and it is hoped that a liberal appropriation will be annually made for this purpose.

Among the books at present in the library, is a very curious and interesting series of about one hundred volumes of old works on mathematics, natural philosophy, and astronomy, containing, among others, the works of Galileo, Kepler, and Leibnitz, and the original editions of Lord Napier's logarithms. It was with regret that your committee learned that a requisition had been made for these works, to be employed in the survey of the coast now going forward, and that they were, accordingly, on the point of being removed from the academy. From the contents and dates of the works, your committee presume it will not be pretended that they are necessary in the great geodisical operations for which they are asked, and therefore, your committee think that the board ought to protest against their removal from the only library, professedly scientific, that belongs to the nation.

Though the subject of the public buildings has been referred to another committee, the Committee on the Studies hope they will be excused if they call the attention of the board to the rooms appropriated for the philosophical apparatus, the chemical laboratory, the mineralogical cabinet, and the library. These rooms are not only inadequate to their several purposes, but they are unsafe. The furnaces of the chemical laboratory are in a room with a wooden floor, immediately below the philosophical apparatus and the library, and no part of the whole building is fireproof. Besides, the laboratory and the philosophical apparatus are placed in the same rooms in which the classes are assembled to lecture, while the accommodation is scarcely sufficient for either of these purposes singly. On the whole, your committee think a new fireproof building, with rooms for a laboratory, the apparatus, a museum, and the library, and with suitable halls for experimental lectures, is exceedingly desirable. Your committee also think that an astronomical observatory ought to be established at this place. Its importance as a school of practice for cadets who may hereafter be called upon, as engineers, to conduct topographical and geodisical operations, cannot but be felt; an excellent position for it is presented on the land, where the instruments could be seated on the solid rock; the building could be constructed at a very moderate cost, and all the instruments necessary to furnish it are already in the possession of the Government.

Respectfully submitted to the board by the committee.

R. M. PATTERSON, *Chairman.*

June 14, 1834.

Report of the Military Committee.

The Committee on Military Affairs and Discipline have the honor to report that they have particularly inquired into all the subjects intrusted to their examination, and that the result has been exceedingly satisfactory to them, and creditable to the institution.

The committee directed, first, their inquiries to the class on engineering, and, in common with the other members of the board, they were highly delighted with the proficiency of the cadets. They were surprised to learn that the course of military engineering lasted only four months, and they must particularly commend the industry of both professors and students, which enabled the latter to acquire so much knowledge in so short a time. They found, likewise, a great want of models of the details of the works. These could be easily procured, and would facilitate a great deal the study of this science, which the committee cannot but consider the most important branch of the education which the cadets are intended to receive at West Point.

The examination on civil engineering was likewise highly satisfactory, and shows the particular care paid to it in the institution. The use to which Government, in time of peace, employs the officers of the army, renders these studies particularly important, and the country at large will be pleased to learn the attention paid to them. In this department, likewise, models are wanted, and could be procured with very little trouble, and at trifling expense.

The examination on artillery showed in the cadets a thorough knowledge of the theory of this science; and their exercises in field manœuvres, target-firing, fireworks, and the explosion of a mine, left no doubt as to their attainments in the practice. The target-firing took place under very unfavorable circumstances, owing to the bad quality of the ordnance. The text-books in this department are principally translations, or compositions of the best foreign works, executed by the instructer himself, and highly creditable to his zeal and to his industry. The laboratory was examined, and the cadets seen to go through the preparation and manufacture of every sort of fireworks employed in war. The rockets were peculiarly remarkable for their brilliancy, and the space they went over, as compared with their size.

The ordnance was found by your committee very defective. The pieces are generally worn out, and some of them have been condemned as worthless. The shot received is very bad, and, being in general too small for the pieces, and of irregular figures, prevents any accuracy at target firing. The committee, however, have learned that a requisition has been made upon the Ordnance department, and that a compliance with it is looked for during the course of the present season. The committee have observed that all the carriages were of the oldest models, and they are of opinion that no pains ought to be spared to provide this institution with the newest and most approved inventions and models, in order not to teach the cadets to use and employ arms and machines which they will have nothing to do with when they enter on actual service.

The committee heard the examination upon infantry tactics, and saw the cadets exercising with great skill and precision. The manœuvres of light infantry have been successfully introduced, and, although practised but a short time, were very well executed. The arms were examined, as well as the accoutrements, and were found in the most complete order. The committee found fault only with the shape of the button used in the cadet's uniform. They are too large, and most inconvenient. When the belt, owing to the size of the cadets, comes to pass over one of them, either a most unseemly protrusion is created, or a hole made through the belt, which entirely destroys the uniformity. It is considered that bullet-buttons could be advantageously replaced by flat, or nearly flat buttons.

The committee next directed their attention to the military duties required from the cadets, and found them not to be oppressive, nor to abstract any more time from their studies than is absolutely necessary in order to preserve discipline, and give them military and soldierlike habits of precision.

The discipline was examined in its various bearings, and seemed excellent. By many inquiries it was ascertained that whilst power on the one hand was exercised in the most paternal manner, and always for the good of the service, on the other hand the officers and professors were generally found to be beloved and respected; a happy state of things, which the committee cannot commend too much. Some of the regulations contained in the pamphlet which was distributed amongst the board seemed, at first sight, rather severe, but it was found compensated by the mildness of its execution. It is believed, indeed, that fewer offences have taken place under this liberal system than if too much rigor should be exercised.

The committee have been highly pleased with all that they have seen; and, extending their observations to the vast field of improvements, they beg leave to suggest that, since the United States have now added to their army a regiment of cavalry, the cadets ought likewise to be instructed in cavalry tactics. Thirty or forty horses would be sufficient, and could be used at the same time to teach the cadets the service of light artillery. The importance of these two branches of military knowledge is too obvious to require the committee to say any more on the subject.

Another suggestion the committee wish to make is, as to the necessity of a large hall, where military exercises may be, to some extent, conducted in winter. It is thought that this would be, in a high degree, conducive to the health and comfort of the cadets.

Before taking leave of this subject, the committee will indulge in a few observations upon the general results of the institution. However dangerous standing armies are to a nation's liberty in time of peace, they nevertheless possess immense advantages in time of war. The only way to reconcile the dangers and advantages of a standing army is, to organize it in such a way that it may prove, as it were, elastic, so as to be able, in the shortest time, to assume, from the smallest possible size, the largest. In order to obtain this *desideratum*, a military academy is absolutely necessary, where the higher branches of the military science should be taught. Officers of infantry and cavalry can easily be recruited from the rank and file of the army; but the engineers, the staff, and the artillery, require men educated for these professions. In time of peace, those cadets who cannot be employed in these corps, are imbodied in the infantry and cavalry; but, as soon as war should be declared, their services would be required in the scientific departments of the army, which would partake of the general increase, and their places in the line would be supplied either from the citizens generally, or from the rank and file of the army. From all these observations made by your committee, they are of opinion that the military education received at West Point fulfils entirely the objects of an institution, the necessity of which can scarcely be doubted.

The whole of which is respectfully submitted.

ACHILLE MURAT, *Chairman.*

The Committee on Fiscal Concerns report:

That, in the discharge of the duties assigned to them, they have examined, with as much minuteness as circumstances would admit, the accounts of the institution, and they take pleasure in saying that the result of their investigations has been highly satisfactory.

The committee directed their attention to three points involved in the resolution under which they were appointed. 1st. To inspect the accounts of the institution, so far as to see that they are kept in a correct and satisfactory manner. 2d. That the expenditures are made in accordance with the appropriations. 3d. That attention is paid to economy in the expenses of every kind.

Heretofore, two separate appropriations under different heads, for the support of the Military Academy, have been made by Congress. The one is embraced under the item "for the pay of the army and subsistence of officers," for which the appropriation is general, and does not discriminate the amount appropriated for the pay and subsistence of the cadets from the pay and subsistence of the residue of the army, but the whole is included in one general item. This fund is disbursed by the paymaster stationed at West Point; who, by "the regulations," is "treasurer of the cadets." The amount of this fund annually expended, including the pay of the professors, has been estimated at $93,566 52 cents, and this may be safely considered a fair estimate of the annual expense of the institution for this branch of expenditure.

The other appropriation for the support of the institution is made for the Military Academy, and is specifically appropriated to the different objects of expenditure connected with the institution. These are, usually, for fuel, forage, stationary, printing, transportation, and postage, for repairs, improvements, and expenses of buildings, &c., for the pay of adjutant and quartermaster's clerks, for increase and expenses of the library, for philosophical apparatus, for models for the department of engineering, for models for the drawing department, repairs of instruments for the mathematical department, apparatus and contingencies for the department of chemistry, miscellaneous items, and incidental expenses of the academy, and for defraying the expense of the Board of Visiters at West Point.

The annual amount appropriated under this head, for four years, terminating with the year 1833, has varied from $23,439 to $36,765 per annum, the latter sum including an appropriation of $16,000 for the erection of a chapel and a building for military exercises, which, being inadequate to these objects, remains unexpended.

Your committee investigated the accounts of the treasurer and of the quartermaster, which are kept in a correct and satisfactory manner, exhibiting in a tabular form the entire expenditure for a given period, arranged under appropriate heads, each item of which is supported by a voucher, without which the accounts would not be passed by the accounting department.

The expenditures are made in strict accordance with the appropriations, and the entire fiscal arrangements of the institution challenge the unqualified approbation of the most rigid scrutiny.

The third branch of investigation referred to your committee is one of unusual importance. It presents the inquiry "whether proper attention is paid to economy in the expenses of every kind" of the institution. It involves the personal expenses of the cadet, and the general expenditures of the academy.

The regulations which prohibit to the cadet the possession or use of money, or the expenditure of it, except with the consent of the superintendent, who is placed *in loco parentis*, and exercises this important power with enlightened discretion, cannot be too highly commended or too scrupulously adhered to.

The pay and subsistence of the cadet is $16 per month, and two rations, equal to $12, making together $28. To carry into effect the important regulation referred to, each cadet provides a check-book, which is ruled and arranged in tabular form, so as to exhibit in one view the expenditures of each period of two months, at the head of which are placed those charges which are regular, fixed, and always uniform. When the cadet wishes to obtain any article, he must apply to the superintendent, who, if he consent, indicates it by writing in the opposite column, upon which the article is furnished to the cadet, and the charge is entered by the person furnishing it in another column. The entries in this check-book are constantly exhibited to the superintendent, and are the vouchers upon which the treasurer pays to the persons who furnish the cadets the amounts which may be due to them.

It is manifest, that while this mode of keeping the accounts is perfectly simple, and readily understood, it is admirably calculated to secure the cadet from all imposition, and conduces to the strictest economy in his expenses, since he is constantly reminded, by a reference to his check-book, of the extent of his income, and the objects to which prudence requires he should appropriate it; and besides this, it gives to the cadet the habit of keeping accounts of his expenses, so essential to secure a high character in the profession for which he is destined, or in the discharge of the various honorable employments in civil life, for which he is so well fitted by the education he receives at the Military Academy.

This habit of economy, which so much depends upon an habitual attention to accounts, teaches that prudence in affairs without which all other attainments are obscured, or rendered wholly useless, and without which men are but little suited for the simplicity and salutary equality which is not only taught by, but practically results from, our institutions. And your committee have found, on this account, much to admire and commend in the fiscal arrangements to regulate the expenses of the cadets.

There can be no better evidence of the attention to economy in the general expenses of the institution, on the part of the gentlemen charged with the important duty of administering its concerns, than is disclosed by the fact that, independent of the sum of $16,000, already referred to as unexpended, the accounts for the last four years, terminating on the first of January of the current year, show an unexpected balance of $3,764 87½.

It will be perceived that the annual amount expended for the pay of professors, and the pay and subsistence of the cadets, is estimated to average $93,566 52 cents; to which, if we add the amount of the expenditures for academic purposes, (which, taking the mean of the last four years, may be estimated at about $23,500, exclusive of the unexpended appropriation for the erection of a chapel and building for exercise,) equal to $117,166 52 cents, and we have the annual average expenditure of the institution for the last four years. This, too, embraces a large sum which has been expended for the gradual increase of the library, the philosophical apparatus, and mathematical instruments, &c., belonging to the institution, a charge which, as these departments become more perfect, will annually diminish. When it is considered that this national institution assembles from all parts of our extended country the youth of every State in the Union, who here receive instruction from a common *alma mater*, and that alma mater their country, and that this is calculated to inspire them with feelings of personal and patriotic affection, connecting more closely the bonds of common union; when it is considered that they carry with them these feelings in the army, where they may become the gallant defenders of that very country, to every part of which they owe so much; when it is considered that at this institution two hundred and fifty cadets are annually taught, and acquire an extraordinary proficiency in the useful and exact sciences, now mainly instrumental in the successful prosecution of the great work of internal improvement to which almost every State in the Union is turning its attention, and in which, should the cadets of the Military Academy be employed, they would so richly repay, independent of every other consideration, the amount expended for their education; when all these things are considered, your committee cannot avoid the conclusion, that the amount annually expended for this institution is not only consistent with enlightened economy, but that it is to be regretted that the number of cadets now allowed by law is not greater, so that the benefits of the institution might be more generally extended.

Your committee approve of the policy which prevented the expenditure of the $16,000 appropriated by Congress for the erection of a chapel and a building for military exercises, so much wanted for the institution. This sum they consider insufficient for the purposes for which it was destined; and they are fully of opinion that the most salutary economy which the Government can exercise on this subject is that which, while it requires the utmost exactness in accounts and contracts, and the greatest prudence in the expenditure of money, admits an expenditure fully sufficient to carry into effect the great design of making this institution worthy of the age, and worthy of the country upon which it is calculated, if properly regulated, to confer so many benefits.

By reference to "the regulations," it will be ascertained that each cadet, upon entering the institution, is required to furnish himself with certain articles of furniture and clothing necessary for his comfort and health. The amount which he is thus required to expend upon entering the institution is about $75. Your committee have ascertained that very many cadets do not bring with them, when they come to the institution, money for this purpose. In such case the cadet is forced to contract debts in anticipation of his pay, to an amount which must occasion him much embarrassment and difficulty; and, besides, should he be so unfortunate as not to pass at the January examination, he is without the means of returning to his place of residence.

It is much to be regretted that parents and guardians should not more generally attend to this. Your committee think it right to bring the subject to the view of the board, so that it may, if the board should consider it proper, be made the foundation of a recommendation to the War Department, that each parent or guardian of a cadet, who is previously appointed, should be informed of the importance of sending, for his son or ward, to the superintendent, a sum sufficient to meet the expenditure referred to. Perhaps it would be always best to send this money directly to the superintendent, so as to avoid any improvidence on the part of the cadet.

Among the inquiries which engaged the attention of the committee, were the personal expenses of the cadets, with a view to consider whether some reduction in them could not be effected. The committee were satisfied that the amount now appropriated for the pay and subsistence of the cadet is barely sufficient to maintain him. There is no item of expense incurred by the cadet, in which it appears a reduction could be made, unless it should be in the item of board, which is charged to the cadet at $10 per month. Comparing this with the expense of boarding in other literary and scientific institutions in our country, the committee have been induced to suggest the inquiry whether the charge for board might not be reduced without injustice to any one.

CHARLES B. PENROSE,
Chairman of Committee.

REPORT FROM THE TOPOGRAPHICAL BUREAU.

Topographical Bureau, *Oct.* 30, 1834.

Hon. Lewis Cass, *Secretary of War:*

Sir: In obedience to your instructions of the 15th of August last, I have the honor to submit to you a statement, marked A, exhibiting the amount drawn from the Treasury Department, and remitted to the disbursing officers under the bureau, from the 1st of October, 1833, to the 30th of September, 1834, inclusive, and also the amount of accounts rendered.

The topographical and civil engineers have been employed upon, and the funds appropriated for surveys for the year 1834 have been applied to, the following objects:

1. Surveying the east pass into the Appalachicola bay and river, to ascertain the practicability and cost of removing obstructions and improving the harbor.
2. Surveying the Cumberland river, with a view to its improvement.
3. Survey of a canal route from the Cape Fear river, through Waccamaw lake, to Waccamaw river, North Carolina.
4. Survey of the Delaware river, from Newcastle to Port Penn, and a survey of the Pea Patch island.
5. Reconnoissance of a route for a railroad from Memphis, Tennessee, to the Atlantic ocean.
6. Geological and mineralogical surveys and researches in the Territory of Arkansas.
7. Surveying a route for a railroad across the isthmus of Michigan.
8. Survey of the southern shore of Lake Huron, and of the eastern shore of Lake Michigan, in the Territory of Michigan.
9. Survey for ascertaining the propriety of granting the right of way at Harper's Ferry to the Winchester and Harper's Ferry Railroad Company, in pursuance of a joint resolution of Congress at its last session.
10. Reconnoissance for the route of a military road on the frontiers of the State of Maine.
11. The survey of the Susquehanna (with a view to a canal connexion between the Chesapeake and the lakes) was commenced, but suspended on account of the death of the engineer.
12. Survey of a route for a road from the Alabama line, by way of Marianna, to Appalachicola bay.
13. Survey at Newburyport harbor, with a view of ascertaining the damage sustained by a bridge, by the erection of the public works at the mouth of the Merrimack river.
14. The survey of the St. Francis river, commenced last year, and suspended on account of the high stage of water, was not recommenced this season on account of not having at the disposal of the bureau an engineer to assign to that duty.
15. The survey of the route for a road from Tallahassee to Cape Florida, under the act approved 30th June, 1834, was not commenced on account of the inadequacy of the appropriation to carry the object of the act into effect.
16. A survey of a route for a road from Chicago, on Lake Michigan, to Fort Howard, on Green bay.
17. A survey of Provincetown harbor, with the view to the erection of fortifications.
18. In completing the report and drawings of a survey of a canal from Connecticut river to Lake Winnepiseogee, New Hampshire, by the way of the Oliverian and Baker's rivers.
19. In completing the drawings of a canal route to unite the waters of Lake Champlain with those of the Connecticut river.
20. In completing the drawings of a survey of Georgetown harbor, South Carolina, for military defences.
21. In completing the drawings of the reconnoissance of the sounds of North Carolina, for military defences.
22. In making a report and estimate for the construction of a canal from Akron, in Ohio, to Beaver, in Pennsylvania.
23. Examination of the Brandywine shoal, Delaware bay, for the erection of a light-house.
24. In superintending the construction of the Potomac bridge.
25. In superintending the construction of the aqueduct across the Potomac river.
26. In paying the salaries of the civil engineers and agents employed on several of the foregoing items of duties.

Since the submission of the last annual report, the following surveys for military and civil purposes have been completed, and several of the reports in relation to the same have been submitted to Congress.

1. Report of a survey between the waters of St. Andrew's bay and the river and bay of Chattahoochie, and between Pensacola bay and Bon Secour, along the northern coast of the Gulf of Mexico, with a view to ascertain the practicability and cost of canals to connect said bays and rivers, under the act of Congress of July 4, 1832.
2. A survey of the route for a road in the Territory of Arkansas, from a point opposite to Memphis to the house of William Strong, or some other point on the St. Francis river, under the act of March 2, 1833.
3. A survey of Portland harbor, Maine, with a view to the erection of a breakwater.
4. A survey of Throg's point, New York, with a view to the erection of fortifications for the defence of the city of New York.
5. A survey of Burlington bay, Vermont, and Port Kent and Plattsburg harbors, New York, with a view to their improvement.
6. A survey of Vermilion river, with a view to its improvement.
7. A survey between the Pearl and Yazoo rivers, Mississippi, with a view to their connexion by a railroad or canal; also, a survey of the "Yazoo pass," in the same State.
8. A survey of the mouth of Chagrin river, Ohio, with a view to its improvement.

9. A survey of the Potomac river, from Georgetown to Alexandria, District of Columbia, with a view to its improvement.

10. The report and maps of the Taunton and Weymouth canal, Massachusetts.

11. The drawings of a survey, in order to ascertain the military defences of St. Mary's river, Maryland.

12. The surveys, reports, and estimates of a route for a railroad from Mad river to Lake Erie, in the State of Ohio.

13. The reports and drawings of a survey for a route for a railroad from Williamsport, Pennsylvania, to Elmira, New York.

14. A survey of the Monongahela river, with a view to its improvement.

The duty of carrying into effect the provisions of the appropriation which refer to geological and mineralogical investigations, has been consigned to G. W. Featherstonhaugh, Esq., who is now engaged upon it.

His report has not yet been received, but his known talents and industry, as well as the various letters which have been received from him, afford the most solid grounds for anticipating that it will be executed in a manner highly creditable to himself, and to the Government with which it originated.

It is not merely those questions of abstract science which are involved in his observations; it is not merely the additional light which will be thrown by his researches upon various subjects which now agitate and occupy the learned of all the world, which are to give interest to this duty, and which will place its patrons in the attitude of the enlightened and liberal friends of scientific truths; but it is the development of immense and hitherto unknown sources of wealth, and of active inland trade; the exposing of the various deposites of coal, iron, lead, and of the precious metals, and the encouragement these will furnish to industry, and the profitable employment of capital.

The application of steam to the propelling of boats has thrown as it were the Western world upon the borders of the ocean, and has given to the immense agricultural resources of that vast region a degree of activity and of value which, if any one had predicted twenty years since, he would have been classed among the wildest of visionaries. Now, if to these resources we add those of its mineral treasures, which the researches now being made will develop, may we not reasonably expect a proportionate increase in the extent and value of the results?

The joint resolution of Congress, authorizing the President to cede to the Winchester and Harper's Ferry Railroad Company a right of way over the public grounds at Harper's Ferry, being committed to this bureau in order to ascertain the facts involved in the exercise of the grant of power, Colonel Kearney and Captain Turnbull were ordered to survey and report in the case. The result of their investigation will be found appended to this report.

The facts exhibited rather indicate the necessity of additional legislation before the grant is consummated.

Having gone through with the exposition of the duties under the direction of this bureau, it becomes my duty, from an imperious sense of its necessity, again to call your attention to the reorganization and enlargement of the corps of topographical engineers. The defects of the present system not only expose this branch of service to serious errors, and to the most inefficient execution of the duties consigned to it, but violate true principles of economy, by producing a minimum of results at a maximum of expense.

I should feel justly obnoxious to reproof if I had not so frequently brought this subject to your consideration, as well in its general aspect as in its most minute details; and should also doubt the correctness of my views, from the failure of success which has so long attended them, if they had not so frequently met with your approbation, and the support of your recommendation, as well as the favorable consideration of the Executive.

The corps now consists of six field officers and four captains. The modifications proposed would retain the same number of field officers; altering and increasing the rank of two would add six to the number of captains, and that proportion of first and second lieutenants which would harmonize with other organizations and meet the demands for topographical service.

These additions to the corps to be made by transfers and appointments from the army. The scientific and military knowledge absolutely necessary to such a corps, is (with rare exceptions) alone to be found among the graduates from the Military Academy. These now pervade every branch of the army; numbers of them have already acquired much practical knowledge by employment on these duties, thereby furnishing the means of completing the organization proposed, with the best materials and without delay. And if so organized, it would be the fault of him who might command it, if it were not in time to prove itself one of the most efficient, and one of the most useful arms of the service.

Respectfully submitted.

JOHN J. ABERT,
Lieut. Col. Top. Eng'rs.

REPORT OF THE PAYMASTER GENERAL.

Paymaster General's Office,
Washington City, Nov. 27, 1834.

Sir: Enclosed, herewith, I have the honor to present a report of the transactions of the Pay department for the fiscal year ending the 30th September, 1834.

The unexpended funds in the hands of paymasters on the 1st day of October, 1833, and the sums advanced to them from the Treasury between that time and the last day of September, 1834, amount to one million six hundred and six thousand five hundred and sixty-two dollars and fifty-seven cents, all of which have been accounted for except fifty thousand nine hundred and twelve dollars and seven cents. I am daily expecting to receive vouchers for the disbursement of upwards of thirty thousand dollars of this balance; the remainder is charged to late Paymaster Phillips, who informs me that it will be paid over to the Treasurer as soon as his accounts are settled, and he has received the credits he is entitled to. This I do not doubt, and am also confident that the Government will not lose one cent by the transactions of the department for the last year.

As soon as the appropriations for the army were made, Paymaster Stewart was despatched to Fort Gibson with sufficient funds for all the troops at that station, including the dragoons, with the hope that he would arrive before the latter left the post on their late tour of duty: this was impracticable, and the paymaster had to await the return of the regiment to the post. Unfortunately, the muster-rolls of some of the companies were sent to Fort Leavenworth; in consequence of which, he could only pay the officers of the regiment, and the companies that remained at Fort Gibson. Apprehending that he might not fall in with the other companies, Paymaster Wright was instructed to use every exertion to have them paid immediately after their arrival in his district. He received funds for that purpose on the 10th of October, and intended leaving St. Louis to make the payment without delay. Unfortunately for the department, this valuable officer died on the 9th instant. I have no information that the duty was performed before his death; but, from the circumstance of his not reporting to me any impediment in the way, and from his character for energy and zeal, I am of opinion that it was. I have official information of the payment of all the other troops to as late dates as is practicable with the present number of paymasters.

I beg leave respectfully to call your attention to the following extract from my report of last year, on the state of the department:

"When the military establishment was reduced, in 1821, fourteen paymasters were retained for the army, and one for the engineer corps and West Point. Since then, the number of troops has increased seven hundred, the number of posts is near one-third more, and the annual disbursements half a million of dollars greater than they were, while the number of paymasters remains the same; and, in addition to the increased duty in paying the army, they are now required to pay all the militia called into service.

"It is not in the power of the department, with the present number of paymasters, to indulge them with furloughs, and great inconvenience is felt if one is prevented by sickness, or any other cause, from performing his duty.

"Under such circumstances, I earnestly solicit you, sir, to recommend to Congress to provide by law for the appointment of three additional paymasters; also, to amend the law requiring paymasters to select clerks from the rank and file of the army, (where suitable qualifications cannot always be found,) and to authorize the appointment of citizens, with salaries not to exceed five hundred dollars per annum."

The situation of the department, at this time, forcibly illustrates the necessity of increasing the number of its officers, if it is expected the troops will be paid as often as the law contemplates. Owing to the death of two paymasters, and to other circumstances over which the department has no control, there are now four districts without a paymaster. It is impossible for the other officers to pay them without omitting a regular payment to the troops in their own districts. In other branches of the staff, when vacancies occur, or when the duties of the officers are suspended, the commanders of the districts or posts can appoint officers to perform the duties, until the heads of the departments are informed, who can then make permanent appointments from the line, without delay. In this department, paymasters must be first appointed by the highest authority, and then furnish bonds, to be approved by the Secretary of War, before they can be assigned to duty. Great delay must necessarily take place, and, in the mean time, no relief can be afforded the vacant districts with the present number of paymasters.

Many other arguments occur to me; I will only trouble you with the following: The regiment of dragoons (recently added to the army) will, from the nature of the duty it has to perform, be subject to frequent change of position, and, unless a paymaster can be specially assigned to it, it will be necessary to keep all officers of the department, who are liable to be called upon, always supplied with sufficient funds to pay the regiment, in addition to their districts. The advances to these must, therefore, be greater than heretofore—much more so than is desirable to the paymaster or the Government.

Respectfully, your obedient servant,

N. TOWSON, *Paymaster General.*

To the Hon. Lewis Cass, *Secretary of War.*

REPORT OF THE COMMISSARY GENERAL OF SUBSISTENCE.

Office of Com. General of Subsistence,
Washington, Nov. 15, 1834.

Sir: In compliance with instructions from the Department of War, of 15th August ult., I have the honor to submit a statement of the moneys remitted and charged to contractors and to the disbursing officers of the Commissariat, in the 1st, 2d, and 3d quarters of the year; together with the balances in possession of the latter, on the 31st of December, 1833, amounting to $359,013 74

To which is to be added the amounts due them on the settlement of their accounts		1,758 16
Aggregating - - - - -		360,771 90
The amount accounted for during the same period is - - - -		313,153 35
Leaving a balance of - - -		47,618 55
From which is to be deducted this sum, charged to contractors as the difference in price of provisions purchased to supply deficiencies - -	$85 44	
Amount expended at Indian treaty grounds, not brought to the credit of the officer, on account of subsistence -	2,300 86	
Amount expended in the Quartermaster's department, not credited to the officer, on account of subsistence -	1,000 00	
Amount due by Lieut. A. C. Fowler, at his decease, and for which his sureties are liable	465 06	
		3,851 36
Leaving - - - - - -		43,767 19

actually in the hands of the assistant and acting assistant commissaries, applicable to the expenditures of the fourth quarter of the year.

Of one hundred and thirty-six officers who have disbursed the public moneys on account of subsistence, for the period embraced in this statement, the accounts of three only were not received at its completion; one of whom has rendered his account since; one has been absent some time from his station, engaged in paying annuities to the Miami, Eel River, and Pottawatamie Indians; and the third has been so seriously indisposed, since his return to Fort Gibson with the dragoons, that the rendition of his accounts was totally impracticable. It is believed that the reception of these accounts would have reduced the balances about ten thousand dollars; but there is not the smallest doubt that they will reach the office in the course of this month, and that every cent in the hands of the disbursing officers of the department on the 30th September last will be fully and promptly accounted for in the fourth quarter of the year.

Very respectfully,
Your most obedient servant,
GEO. GIBSON, *C. G. S.*

Hon. Lewis Cass,
Secretary of War.

REPORT FROM THE ORDNANCE DEPARTMENT.

Ordnance Office,
Washington, November 18, 1834.

The Hon. Lewis Cass, *Secretary of War:*

Sir: In obedience to your order of the 15th August last, I have the honor to transmit a report of the general result of the proceedings and operations of this department between the 1st October, 1833, and the 30th September, 1834.

The papers marked A and B present a general view of these concerns during the last-mentioned period, as well in regard to the amounts of the expenditures under the several heads of appropriations, as in reference to their objects, and to the various ordnance stations where they have been made.

The first of these, A, shows the whole amount of funds remitted from the Treasury to disbursing officers and contractors in this department, during the year 1833, to have been - - - - - $1,028,606 09
That the portion of that sum which was expended and accounted for during the same period amounted to - 963,222 79

And that, at the close of that year, there remained unexpended, and in the hands of disbursing officers, the sum of - - - - - - $65,383 30
A balance which, it may be proper to remark, was promptly liquidated by the responsible disbursing officers early in the first quarter of 1834.

Statement B exhibits the total amount of funds remaining in the hands of disbursing officers at the close of the year 1833, and which have been remitted to them and to contractors during the first, second, and third quarters of the year 1834. This amount will be seen to have been - - - - - $834,525 79
And the portion of this sum expended, and for which accounts have been rendered, during the same period, will be seen, in the same statement, to have amounted to - - - 766,701 36

The unexpended balance exhibited in the same statement as being in the hands of disbursing officers at the close of the third quarter of 1834, having been - - - - - $67,824 43

Statement C presents a view of the general result of the operations at the several arsenals and armories of the United States, in the manufacture, repair, and purchase of the principal articles of ordnance, ordnance stores, and building materials. It exhibits the result of these operations to the extent to which they have been completed, during the year between the 1st October, 1833, and the 30th September, 1834, indicating, among other articles of ordnance and ordnance stores, which have been fabricated or procured, the following, viz:

Of artillery, 213 32-pounder cannon, 3 12-pounder and 3 6-pounder cannon, 3 24-pounder and 3 12-pounder howitzers, 10 32 pounder and 6 24-pounder casemate carriages, 6 10-inch mortar beds, and 44 field artillery carriages.

Of small-arms manufactured and procured, viz: 26,126 muskets and 2,120 (Hall's) rifles, made at the national armories. And at the private factories, 1,030 carbines (Hall's,) 300 rifles, (Hall's,) 11,140 muskets, and 2,900 artillery swords.

Of accoutrements for small-arms, about 1,440 sets for infantry, 1,050 sets for riflemen, and 1,320 sets for cavalry.

Statement D shows the extent of the operations during the year, between the 1st October, 1833, and the 30th September, 1834, which have occurred in procuring ordnance and ordnance stores, under the act of 1808, for arming and equipping the militia of the States and Territories. This statement presents also a view of the expenditures under the act, which have resulted during the same period in procuring the stores, amounting, for all objects, to $190,539 36.

It exhibits, among other articles of ordnance stores procured, 26 field carriages, with their equipments, complete; 11,140 muskets, 300 (Hall's) rifles, 2,900 artillery swords, 1,200 sets of infantry accoutrements, 800 sets of rifle accoutrements, 1,950 sabre and sword belts, and 1,141 (pair) holsters.

Statement E exhibits the amount of ordnance and ordnance stores, valued in muskets, which have been apportioned for the year 1833, to the several States and Territories, under the act of 1808, for arming and equipping the militia—this apportionment being founded on the recent returns of the strength of the militia, as made by the adjutant general of the militia of the several States to the adjutant general of the army.

Statement F shows the several articles of ordnance and ordnance stores which have been distributed to the militia of the States and Territories during the year, between the 1st October, 1833, and the 30th September, 1834.

Statement G presents a view of the munitions of war issued by this department during the year, between the 1st October, 1833, and the 30th September, 1834, to the army. In this it will appear that 4 24-pounder cannon and carriages; 5 10-inch mortars with their beds, 17 field cannon with their carriages, complete, 750 pistols, 750 carbines, complete, 750 sets of accoutrements for the dragoons, 750 sabres, 695 swords, and 204 sets of infantry accoutrements, are among the principal articles issued.

Statement H exhibits the operations of the lead mines for the year ending the 30th September, 1834; and statement I, the amount of lead made at these mines, in each year, from the year 1821 to the 30th September, 1834.

By these statements it will appear that the lead made

during the present year amounts to -	7,971,579 lbs.
Excess over the last year - -	29,787 "
Total amount of lead made from 1821 to 30th September, 1834 -	71,817,319 "
Total amount of rent lead accruing for the above period - - -	5,699,631 "
Amount of rent lead due the United States 30th September, 1834, yet to be collected - - - -	328,802 "

The mining operations have been successfully continued on the west bank of the Mississippi, in the country ceded to the United States by the Sac and Fox Indians; and should not the recent sales of lands in the mineral regions, and the locations made for the Indians there, materially interfere with the interests and operations of the mining establishments, the product of these mines may reasonably be expected to be greatly increased hereafter.

I take pleasure in being able to state that the most satisfactory results have been attained this year in the manufacturing operations at the national armories, and at the various arsenals of construction and repairs throughout the country.

The due execution of a just system of accountability for the immense material of war in the arsenals and magazines of the Union, and in the hands of the army, and the continual application of the most improved means of preservation to this material, have enabled the concerns of this department to attain an unusual degree of perfection. It is confidently expected that they will be still more benefited by the salutary operations of the new ordnance regulations adopted by the President on the 1st of May, 1834, but which could not be published to the army until the 19th September last.

As regards the building operations, progressing in this department, at the St. Louis, Mount Vernon, Appalachicola, and Detroit arsenals, and at the New York depot, I have the honor to state that they have proceeded to the extent of the last annual appropriations for those objects, and have been conducted in the most efficient and satisfactory manner by the several superintending officers.

I have the honor to be, sir,
Respectfully, your obedient servant,
GEO. BOMFORD, *Colonel of Ordnance.*

REPORT FROM THE SURGEON GENERAL.

Surgeon General's Office, *Nov.* 2C, 1834.

Sir: In compliance with the instructions of the Department of the 15th of August, I have to report that there has been transmitted to the acting apothecary at New York, during the three first quarters of the current year, $9,600, and that the amount for which accounts have been rendered for settlement by him, during that period, is $8,918 26. The whole amount of accounts rendered for settlement during this period was $25,369 56; of which $10,564 67 were for the payment of private physicians, and $14,804 89 for medical supplies.

Very respectfully, your obedient servant,
JOS. LOVELL, *Surgeon General.*

Hon. Lewis Cass, *Secretary of War.*

REPORT OF THE COMMISSARY GENERAL OF PURCHASES.

Commissary General's Office,
Philadelphia, Oct. 28, 1834.

Sir: In obedience to instructions communicated in a letter dated on the 18th of October, from the acting Secretary of War, I have prepared, and have now the honor of enclosing, my moneyed estimate for 1835, marked A and B, as follows, viz:

A. For clothing, camp equipage, &c. for one year, ending 31st October, 1836 - - -	$162,387 85
B. For the expenses of the Commissary General's office during the year 1835	7,050 00
Total -	$169,437 85

I likewise enclose six statements, Nos. 1, 2, 3, 4, 5, and 6, prepared by order of the War Department, viz:

No. 1. Of moneys drawn from the appropriation for the Purchasing department during the three first quarters of the year 1834.

No. 2. Of moneys received and disbured during the three first quarters of the year 1834, on account of the Purchasing department.

No. 3. Of moneys received and disbursed during the three first quarters of the year 1834, on account of the "Regiment United States dragoons."

No. 4. Of moneys received and disbursed during the three first quarters of the year 1834, on account of "Contingencies, War Department."

No. 5. Comparative statement of the cost of clothing, &c, for the army of the United States, during the years 1833, 1834, and 1835; and,

No. 6. Statement of the cost of clothing, &c., for the army of the United States, during the year 1835.

I have deducted $50,000 from the gross amount of the moneyed estimate A, for clothing, &c., that may remain on hand after the issues for this year have been completed; which is as much as can be deducted with any degree of safety. I presume these statements will be entirely satisfactory.

The balance of the appropriation for the year 1834, remaining undrawn, $33,442 40, will be required to enable me to settle all accounts to the end of the year 1834, and to enable me to make up clothing during the winter of 1834-'35, to be ready for early issue. I have, therefore, to request that this money may be reserved for the operations of the Commissary General's department, as my calculations in forming the moneyed estimate are founded on that expectation.

I have the honor to be, sir, with great respect, your most obedient servant,

C. IRVINE,
Commissary General of Purchases.

Hon. Lewis Cass, *Secretary of War.*

REPORT FROM THE CHOTHING BUREAU.

Clothing Bureau,
Washington, Nov. 28, 1834.

Sir: I have the honor to report that the clothing and equipage for the army have been procured at prices averaging two and one-half per cent. less than the last year, and have been forwarded to the several military posts in good season.

The clothing furnished for the army, for this and the past year, is of superior quality to any which has been supplied within the last twenty years; and, as far as information has reached this bureau, gives general satisfaction.

The Commissary General of Purchases has invited proposals for the supply of clothing and equipage for the ensuing year at a much earlier date than usual, and has allowed greater time for the fulfilment of contracts, thus opening a wider field for competition, which will undoubtedly have the effect still further to reduce the cost of supplies.

The issue of the old pattern clothing, in obedience to an order from the War Department, dated 23d July, 1834, has had the effect to leave in the hands of company officers a partial supply of the new uniform, and in the possession of the Commissary General of Purchases a large supply of clothing materials, applicable to the issues of the ensuing year. Previously to the date of the order referred to, a portion of the old pattern clothing had been sold, and the amount, $3,378 64, placed to the credit of the surplus fund.

Most respectfully, sir,
Your obedient servant,
JOHN GARLAND,
Major U. S. Army.

Hon. Lewis Cass,
Secretary of War.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

Department of War,
Office Indian Affairs, Nov. 25, 1834.

Sir: I have the honor to submit a condensed view of the Indian concerns of the department under the immediate superintendence of this office, embracing the entire period since my annual report.

The estimate of the current expenses for the Indian department for the coming year was duly furnished, in conformity with your order of the 20th August last. Paper A, herewith transmitted, is duplicate of the same, showing the amount of these expenses, as therein stated, to be $69,300. The sum demanded for this service is $82,500 less than that of the preceding year, the reduction being effected mainly by the provisions of the recent act of Congress reorganizing the Department of Indian Affairs.

In accordance with the comprehensive spirit of that order, I have presented such other statements appertaining to our Indian concerns as serve to constitute a financial expose not only, but also to display the subjects of expenditure under appropriations of which they are the basis.

Paper B shows the sums drawn from the Treasury, and remitted for disbursement under the several heads of appropriation in the Indian department, included in the three first quarters of the year 1834, as also the amount embraced in the accounts rendered for the same period under the respective heads of account, and likewise the balances remaining unaccounted for at the present time, according to the books of this office. The total of remittance for disbursement, it will be seen, is

$806,479 53 cents; the amount of accounts rendered is $397,215 80; and the sum of $409,273 73 still remains to be accounted for. This amount lies in the hands of the officers charged with the payment of Indian annuities, and other pecuniary trusts of a specific character. With the greatest exertions on the part of these agents to comply with the regulation of the department in rendering their accounts, their reception may be retarded beyond the prescribed time, without attaching to them any blame. The delay may arise from mischance in transmission, remoteness of residence, incompleteness of disbursement, and various other causes. It will be recollected, also, that the appropriations which constituted the disbursing fund were made at an unusually late period of the last session of Congress. In some instances, also, a portion of the duties heretofore performed by the Indian agents has devolved, under the provisions of the act of the last session, upon military officers residing at posts in the vicinity of Indian tribes. The diversion from the accustomed track of duty may reasonably be supposed to be productive of delay at the outset, and may furnish additional excuse for backwardness in rendering their accounts.

Herewith is transmitted a copy of the regulations adopted by the department, and approved by the President, designating the limits of the different Indian agencies and subagencies, and the places of residence for the respective agents and subagents, agreeably to the provisions of the act of 30th June last; and also a copy of the regulations concerning the payment of Indian annuities. Under the arrangement established by these regulations, the number of Indian agents has been considerably reduced, and the amount of expense required for supporting the Indian department has been consequently much diminished. The great objects intended to be accomplished by the recent acts of Congress—practical economy in sustaining our relations with the Indian tribes, and their progress in improvement—have been kept steadily in view. An injurious practice had long prevailed among the Indians of resorting to the agencies on trifling pretexts, for the purpose of being furnished with provisions while remaining there, and of receiving presents at their departure: consequently, the accounts of agents, in many instances, contained very considerable charges for extra provisions furnished to Indians visiting their respective agencies. In conformity with the spirit of the late acts, the different agents have been instructed to discountenance that usage, and to issue provisions to those Indians only who should visit the agencies on business. The instruction, coupled with a reduction of presents, under a provision of the late act, it is believed, will produce a salutary effect, by checking their indolent and improvident habits, and stimulating their active exertions to provide for their own wants.

Paper C is a compendium of the condition of the Indian schools which receive aid from the annual appropriation of $10,000 for the civilization of the Indians. In addition to this, such information as has been received from societies and institutions having the object of Indian tuition and improvement for their care, is also furnished. Statements, also, of other measures in contemplation, and of the manner of disposing of the education funds under treaties with several of the Indian tribes, will be found in their proper order. The number of Indian children receiving instruction at the different schools embraced in this report, is eighteen hundred. Exclusively of these, there are one hundred and fifty-six Indian scholars at the Choctaw academy in Kentucky, the expense of whose education is defrayed from funds appropriated by the Indians themselves, under treaty provisions with different tribes for this particular object. The flourishing condition of this academy furnishes the best evidence of the sound views and philanthropic motives of those with whom it originated, and leaves the question of Indian improvement in letters and morals upon the social basis no longer doubtful. The intellectual power is there, and needs cultivation alone for its development and expansion. The last quarterly report of the inspectors of the academy goes to confirm the opinion heretofore advanced, of the advantages of mechanical instruction, combined with the usual course of tuition. It is the incipient step for the general introduction of trades among the Indians, their young boys availing themselves of it with avidity, and displaying an aptness indicative of eventual proficiency and the attainment of excellence. In a refined state of civilization the mechanic arts sink in appreciation in comparison with letters, and the artisan is less prized than the scholar. But in the ruder stages of society, and in reference to the actual wants and comforts of life, in all its stages, the useful will, in general estimation, take precedence of the ornamental. When Europe emerged from barbarism, those who caught the first glimpse of mechanical power shared in the honors bestowed on heroes and lawgivers, and it is well known that the simplest artificer among the untutored aborigines of this country is looked up to with admiration, and cherished with the regard felt for their warriors and chiefs. If the chase is to be abandoned, and war cease to be a favorite pursuit among them, it can only be effected by the substitution of other employments; and none so salutary, or so vital to the object, as the prompt introduction of such mechanical arts as are suited to the necessities of their condition, and adapted to the early stages of civilized life.

The interposition of the Government of the United States in behalf the Indian race is now matter of history. That race seemed to be fast sinking in the overwhelming wave of white population: both physically and morally it was unable to withstand the competition. It became degraded and wretched, and was rapidly vanishing from the face of the earth. The policy instituted for their protection and perpetuation was not only humane, but was also essential to the object, if by any means it might be attained. As such, it has carried the national sympathy along with it, and is now, as it were, incorporated with our national feelings. It is perhaps the only mode of paying an incalculable debt, indefinable in its nature, but obligatory in its sanctions—the debt of circumstance, though not of contract. Was it to be cancelled only by the extinction of the race? Other and more magnanimous sentiments prevailed, and became the origin of the humane policy which it is confidently believed will ultimately lead them to all the blessings of civilized life. It is in Divine Wisdom alone to dispose of events, while we are the mere instruments of its agency. To that we must bow with reverence, and submit with humility, supported by conscious rectitude of purpose, and indulging well-founded hopes of our designs being ultimately crowned with success.

In carrying out the general principles of this policy, measures have been adopted for the execution of the several treaties with the Cherokees, Creeks, Seminoles, Appalachicolas, Quapaws, the united bands of Otoes and Missourias of the river Platte, and the four confederated bands of the Pawnees of the Platte and the Loup Fork, all of which were ratified at the last session of Congress. Preparatory steps have also been taken for the removal of the Creeks and Seminoles, and it is expected that a considerable portion of those tribes will be removed beyond the Mississippi during the ensuing season, and find a happier home in the domains set apart for their residence, under the guaranty of the United States.

In pursuance of instructions from the Department, General William Marshall, Indian agent for the Miamies, opened a negotiation recently with the chiefs of that tribe for the purchase of their land in the State of Indiana. He has succeeded in procuring from them a cession of two hundred thousand acres on terms advantageous to themselves and the United States. It may be considered the precursor to a total cession of their remaining land in that State, and their consequent emigration to the Western Territory; a result desirable in many respects, especially connected with advantages to a portion of our citizens, and doubly gratifying from its being compatible with the best interests of the tribe.

The alteration proposed by a resolution of the Senate at the last session of Congress, in the boundaries of the land granted by the Chicago treaty of 1833, to the united nation of Chippewa, Ottawa, and Pottawatamie Indians, has received their assent under certain modifications, specified in their agreement of the first of October last.

No material alteration has taken place since the last report from this office in the condition of the Cherokees. The question of emigration finds them still divided, and a considerable portion appear to be insensible of the manifest benefits accruing from its adoption. Without tolerable unanimity, it is impossible to proceed with it advantageously to all parties interested in the general issue. In the mean time the division has engendered much malignancy, and the opposing parties appear to evence a rancor bordering on hostility. Occasionally their animosity has broken out into acts of violence; and it becomes my painful duty to communicate one instance that resulted in the death of a very meritorious and much regretted individual. On his return from their National Council at Red Clay, in August last, where the question of emigration was agitated in a tumultuous and excited meeting, John Walker, jr., one of their leading men friendly to its adoption, was way-laid and shot. The necessary orders for the arrest of the assassins were promptly issued by Governor Carroll, the present Executive of Tennessee. Several persons are now in confinement on a charge of having taken part in the murder. Should occasion call for it, the military will be ordered out for the protection of those who decide on emigration, and of the emigrating officers of Government engaged in this hazardous and responsible service.

A negotiation has been commenced by Goveror Lucas of Ohio, with the band of Wyandots in that State, for a cession of their remaining land, and their removal to the west of the Mississippi, and recent communications furnish strong grounds of belief, that, under his judicious management, it will be eventually brought to a successful close.

Paper D, herewith transmitted, contains extracts of a letter from Lieutenant J. Van Horne, disbursing agent in the removal of the Creeks and Cherokees, to General George Gibson, Commissary General of Subsistence. It cannot be perused without emotions of pleasure, inasmuch as it furnishes evidence of the prosperous condition of those tribes, and presents a pleasing account of the fertility of their land, and their rapid improvement in agriculture.

The expedition to the far West, under the command of General Leavenworth, undertaken in compliance with orders from the War Department, for the objects therein detailed, proceeded on its route through regions almost unknown, and amid difficulties of the most perplexing nature. In consequence of the death of that brave and lamented officer while in the performance of duty, the command devolved on Colonel Dodge, who returned with the expedition to Fort Gibson, bringing along a number of the chiefs of the Pawnee and Kioway Indians, bold and warlike tribes, who have entertained no very friendly feelings towards our citizens, between whom and them there had hitherto been but little intercourse. These tribes being borderers on the newly occupied Indian territories, it became imperative to repress their hostile disposition, under the guaranty of the United States to afford adequate protection to the emigrating Indians.

With the view of establishing pacific relations between these and other tribes, a general council was held under the auspices of Colonel Dodge and Major F. W. Armstrong, which resulted in mutual engagements of peace and friendship, fortified by proper intimations on the part of those officers, in behalf of their Government, of support to the injured, and punishment to aggressors.

The journal of proceedings is herewith communicated, and cannot fail, on perusal, to awaken much interest, and to excite emotions of the liveliest character.

At the general council above mentioned, impressive speeches were delivered by several chiefs of the Creek, Cherokee, Osage, and Choctaw tribes, which I feel bound to advert to in terms of the highest commendation. In their addresses to the warlike chiefs then assembled, they took occasion substantially to observe, that their people had opened their ears to the advice which had been given to them, and adopted the habits of the white man; and that, by so doing, they had become peaceful, prosperous, and happy; that they had relinquished the chase and cultivated the earth, and that by becoming agricultural they lived in peace and in the enjoyment of abundance; and that the same inestimable benefits would assuredly await all the tribes who would walk in the same path. Such counsel, from such a quarter, so well-timed, and so impressively urged, it is confidently believed, will be productive of substantial good, and is eminently calculated to make a deep and durable impression.

The duties and services of the commissioners west being closed by the expiration of their commission, according to the provisions of the act under which they were appointed, it is proper and just to bear testimony to the ability and zeal manifested by them in the prosecution of their labors. Great benefit has resulted to the various tribes by virtue of their mission. Important treaties were concluded by them, existing divisions were healed, difficulties that threatened collision were settled, and a spirit of peace and conciliation was infused among the Indians through their instrumentality. Clothed with ample powers, the task assigned to them was exceedingly arduous, but, entertaining full confidence in the humane policy of the Government, and studying to promote the best interests of those confided to their care, they entered upon it with spirit, and acquitted themselves with credit.

There is little mention to be made of Indian hostilities during the past year. They have been few, and those not of an aggravated nature. A steady and onward course is observable among the Indian tribes towards the grand point of civilization. Their long imputed indomitable spirit of revenge, and their eager thirst for war, have undergone a sensible change in the process of meliorating circumstances. The happiest consequences may be anticipated from extending the means of tuition among their young people, from the introduction of mechanical arts into the different tribes, and from the increased attention bestowed on agricultural pursuits under the patronage of Government throughout the territories of emigration, nor can the gratuitous but useful labors of the missionary, and the inculcation of the pure doctrines of Christianity, be overlooked in the enumeration of means that are conducing to the great end so precious in the sight of the philanthropist and so dear to the finest sympathies of our nature—the transformation from the cold and barren confines of savage life, to the sunny and fertile regions of civilization and religion. All which is respectfully submitted

ELBERT HERRING.

To the Hon. Lewis Cass,
Secretary of War.

REPORT OF COMMISSIONER OF PENSIONS.

War Department,
Pension Office, November 7, 1834.

Sir: I have the honor to transmit, herewith, statements marked from A to H, inclusive, showing the number of persons now on the pension-rolls of the several States and Territories of the United States, under the various acts of Congress; the number added to the rolls since the last annual report; the number who have been reported as dead since that time; the number who have relinquished pensions under the act of March 18, 1818, and obtained the benefits of the act of June 7, 1832; and the amount of funds transmitted to the pension agents for paying stipends due the present year.

From the statement marked H, it would appear that the expenditure has exceeded three millions of dollars.

A very painful duty devolves on me in making this report: I allude to the recent developments in several parts of our country, in which some of the most iniquitous transactions have been discovered to have been perpetrated by men of high standing in society, whose official stations and respectability placed them far above suspicion, and who have taken advantage of the good character they have sustained to practise some of the most daring frauds. In every fraudulent case which has come to the knowledge of this department, steps have been taken to punish the offenders. In some instances, prosecutions have been successful, and terminated in the confinement of the criminals in State prisons: in other cases, they have fled from justice. In every case where, on account of the solvency of the party, there was a prospect of recovering money improperly paid, a suit has been commenced.

It has been ascertained that papers have been presented at this department purporting to contain proof of revolutionary service, taken in open court, bearing the official seal of the clerk of the court, and duly certified by him, when, in fact, the persons in whose behalf the claims were made, never had any but an imaginary existence. In some instances, the claims have been admitted, and money has been paid; in other cases, money has been paid to a period after the time when the pensioners died; and this last-mentioned description of fraud was effected by means of falsifying the certificates of a clerk of a court of record. The person who made these false certificates was agent for a great number of claimants, and had free access to the seal of the court; the clerk, on one occasion, affixed his signature and seal to blanks, leaving them to be filled up as they might be required. These papers fell into the hands of this agent, and he used them for his own purposes. The judge of the court, the clerk, and the author of these forgeries, it would seem at the first blush, were all equally concerned in this nefarious business; but the two former, on being questioned in regard to the matter, frankly owned that they had such unlimited confidence in the integrity of the accused, that they never doubted any statement he made. The judge and clerk, on placing before them some of the papers above alluded to, admitted that they had never known such persons. It seems that this agent and the judge occupied the same room as an office; the clerk another room on the same floor, separated from theirs only by a narrow passage. In all instances the agent drew up the declarations of the claimants, and after the applicants made oath to their declarations, they were laid aside. The agent, at particular periods, would go into the clerk's room with a bundle of papers, and get them authenticated at his pleasure. This shamefully negligent conduct of the officers of the court is ascribed to the great confidence which they reposed in the integrity of the agent. But it appears to me that such indifference as to the manner of discharging a high official trust betrays a want of proper qualifications for office, and is but little less reprehensible than if they had been accessaries in the agent's guilt.

To prevent a repetition of such fraudulent practices, the appointment of officers in each State and Territory, for the purpose of examining, in person, all pensioners, and applicants for pensions, I conceive to be indispensable. My experience for the last sixteen years has fully satisfied me that it is all-important that the most rigid scrutiny should be exercised, not only in the investigation of claims when originally presented here for adjudication, but in making payments after pensions are granted. As the officers or agents appointed to pay pensions cannot in general detect imposition, provided the vouchers are drawn up in conformity with established regulations, the duty of inquiring into the identity of the pensioner should devolve on some person or persons who can have an opportunity of examining each pensioner in the neighborhood where he resides. Unless some mode be adopted under the sanction of law for such examination, I know of nothing that this department can cause to be done that can form an effectual barrier to the continuance of frauds. The additional expenditure arising from the creation of such officers, should not, in my opinion, be considered an objection, as the amount saved by the services of such officers would not only far exceed, but probably double or quadruple the amount of their salaries.

The time for making applications for pensions on account of revolutionary service should, I think, be limited by law. And it would be proper that the names of all pensioners who fail to apply for their stipends for two years should be stricken from the roll: but this cannot be done without an act of Congress to authorize it.

The pension laws should, I think, be so amended as to prohibit, under a heavy penalty, any officer who may administer an oath to a pensioner, or an applicant for a pension, or who may authenticate the papers of such a person, from being in any way interested in the claim.

Believing that it is sound policy, as well as humanity, to give a preference to those laws which prevent crime, rather than those which tend only to the punishment of the criminal, and that what I have suggested will not have the effect to debar any just claimant of his rights, but, on the contrary, to cause a more favorable decision, I cannot doubt but that every true friend of the soldier will coincide with me in the views I have taken, and give to these propositions his cordial assent.

I have the honor to be,
Very respectfully,
Your obedient servant,
J. L. EDWARDS,
Commissioner of Pensions.

Hon. Lewis Cass,
Secretary of War.

A.

Number of revolutionary pensioners under the act of the 18th of March, 1818, *and invalid pensioners on the rolls of the different States and Territories on the* ——.

States and Territories.	Revolutionary act, 18th Mar. 1818.	Invalid pensioners.
Maine	826	170
New Hampshire	641	176
Massachusetts	1,260	337
Connecticut	580	133
Rhode Island	131	17
Vermont	820	176
New York	2,465	987
New Jersey	356	56
Pennsylvania	642	358
Pittsburg agency	282	109
Delaware	13	17
Maryland	107	220
Virginia	600	211
North Carolina	229	65
South Carolina	95	20
Georgia	61	17
Kentucky	420	182
Tennessee	269	148
Ohio	537	172
Indiana	110	88
Louisiana	8	34
Mississippi	4	6
Michigan Territory	20	47
Illinois	25	43
Alabama	35	33
Missouri	13	62
District of Columbia	17	55
Arkansas Territory	–	1
	10,566	3,940

War Department,
Pension Office, Nov. 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

B.

A statement showing the number of persons now on the pension rolls of the different States and Territories, under the act of June 7, 1832.

Maine	1,338	Kentucky	1,738
New Hampshire	1,423	Tennessee	1,649
Massachusetts	2,951	Indiana	551
Connecticut	1,872	Ohio, includ'g those paid at Pittsburg	1,518
Rhode Island	686	Louisiana	17
Vermont	1,715	Mississippi	36
New York	5,249	Alabama	268
New Jersey	853	Missouri	149
Pennsylv'a, including those paid at Pittsburg	1,522	Illinois	228
Delaware	7	Michigan Territory	39
Maryland	104	Arkansas	17
Virginia	1,838	Florida	9
North Carolina	1,290	District of Columbia	53
South Carolina	447		27,978
Georgia	411		

War Department,
Pension Office, Nov. 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

C.

Number of pensioners under the act of June 7, 1832, *added to the rolls of the different States and Territories since the report of the 25th of November,* 1833.

Maine	174	Kentucky	481
New Hampshire	94	Tennessee	385
Massachusetts	261	Ohio, includ'g those paid at Pittsburg	312
Connecticut	311	Indiana	183
Rhode Island	139	Louisiana	7
Vermont	264	Mississippi	8
New York	1,138	Michigan Territory	24
New Jersey	242	Illinois	80
Pennsylv'a, including Pittsburg agency	395	Alabama	80
Delaware	4	Missouri	54
Maryland	26	Arkansas	12
Virginia	393	Florida	6
North Carolina	287	District of Columbia	5
South Carolina	170		5,660
Georgia	125		

War Department,
Pension Office, Nov. 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

D.

Number of revolutionary and invalid pensioners added to the rolls since the 15th October, 1833.

Agencies.	Revolutionary.	Invalid.
Maine	–	16
New Hampshire	–	7
Massachusetts	–	4
Connecticut	2	5
Rhode Island		
Vermont	–	6
New York	5	23
New Jersey	1	1
Pennsylvania	1	7
Pittsburg agency	–	5
Delaware		
Maryland	–	4
Virginia	1	3
North Carolina		
South Carolina	1	
Georgia		
Kentucky	–	15
Tennessee	–	4
Ohio	–	7
Indiana	–	3
Louisiana	–	3
Mississippi		
Michigan Territory	–	4
Illinois	–	6
Alabama		
Missouri	–	4
District of Columbia		
Arkansas		
	11	127

War Department,
Pension Office, November 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

E.—*Abstract from the several pension agents' reports, showing the number of pensioners whose deaths have come to their knowledge since the last report.*

Agencies.	Revolutionary act 18 March, 1818.	Invalids.
Maine	21	1
New Hampshire	25	8
Massachusetts	53	5
Connecticut	25	
Rhode Island	6	
Vermont	22	1
New York	92	21
New Jersey	5	3
Pennsylvania	18	1
Pittsburg agency	14	
Delaware	2	
Maryland	11	3
Virginia	24	3
North Carolina	9	
South Carolina	8	2
Georgia	12	2
Tennessee	7	
Kentucky	23	4
Ohio	23	2
Indiana	12	2
Mississippi	5	
Michigan Territory	1	
Illinois	4	1
Missouri	3	3
	425	62

F.—*Abstract from the several pension agents' reports, showing the number of pensioners (under the act of 7th June,* 1832,) *whose deaths have come to their knowledge since November* 25, 1833.

Agencies.	Deaths	Remarks.
Maine	99	
New Hampshire	43	
Massachusetts	120	
Connecticut	183	
Rhode Island	47	
Vermont	17	Last report not received.
New York	199	
New Jersey	64	
Pennsylvania, including those paid at Pittsburg	9	No returns from Philad. for December.
Delaware	1	
Maryland	4	
Virginia	82	
North Carolina	70	
South Carolina	11	
Georgia	7	
Kentucky	74	
Tennessee	12	Full returns not yet received.
Indiana	32	
Ohio, including those paid at Pittsburg	36	
Louisiana	–	No returns for Ju. or Dec.
Mississippi	–	Do. do.
Alabama	2	
Missouri	1	
Illinois	7	
	1,120	

G.

A statement showing the number who have relinquished their pensions under the act of the 18th March, 1818, *and have been placed on the rolls, under act of 7th June,* 1832, *since the last report.*

Maine	9
New Hampshire	4
Massachusetts	13
Connecticut	4
Rhode Island	1
Vermont	6
New York	14
New Jersey	
Kentucky	3
	54

War Department,
Pension Office, November 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

H.

A statement showing the amount of funds transmitted to the pension agents of the several States and Territories, for paying pensions in 1834.

Agencies.	Invalids.	Act 1818.	Act June 7, 1832.
Maine	15,948 04	60,160 00	95,865
New Hampshire	14,048 93	62,832 00	92,719
Massachusetts	12,457 56	75,004 00	202,219
Connecticut	5,312 40	38,356 00	160,933
Rhode Island	756 00	9,864 00	83,163
Vermont	9,089 01	61,184 00	124,617
New York city	68,822 43	175,698 53	468,187
Utica agency	2,142 10	4,080 00	12,766
Buffalo do	907 00	576 00	9,673
New Jersey	4,445 60	35,520 00	85,863
Pennsylvania	13,845 97	32,016 00	120,693
Pittsburg agency	8,646 51	29,520 00	51,564
Delaware	1,948 00	4,032 00	293
Maryland	15,726 86	11,568 00	15,165
Dist. of Columbia	7,034 00	1,616 00	9,219
Virginia	8,057 20	30,600 00	145,929
North Carolina	2,157 30	19,496 00	94,523
South Carolina	945 30	9,136 00	55,616
Georgia	875 66	5,936 00	52,449
Kentucky	13,952 70	43,104 00	159,913
East Tennessee	4,204 80	10,296 00	29,130
West Tennessee	3,803 01	5,832 00	41,576
Ohio	7,053 99	46,808 00	69,022
Louisiana	3,870 40	864 00	1,812
Mississippi	520 00	960 00	11,141
Alabama	2,682 00	3,504 00	40,527
Missouri	5,474 66	1,440 00	13,305
Jonesboro' agency	–	–	14,658
Indiana	7,283 80	10,279 00	32,747
Michigan Territ'y	4,388 33	2,252 00	1,624
Illinois	3,422 18	2,316 00	22,844
Arkansas Territ'y	–	–	2,164
Dollars	249,821 74	794,849 53	2,321,919

War Department,
Pension Office, November 7, 1834.
J. L. EDWARDS, *Comm'r of Pensions.*

[Document accompanying the Report of the Secretary of the Navy.]

Report upon the works executed for the survey of the coast of the United States, upon the law of 1832, *and their junction with the works made in* 1817, *by and under the direction of Ferdinand Rodolph Hassler.*

1. That part of the work for the survey of the coast which has been executed since the renewed law of 1832, is grounded upon the work done in 1817, under the first original law of 1807.

Therefore, in this first public report of a more full and general character, which I have the occasion to render, it is necessary to go back to that earlier period, in order to give a proper view of the state of the work; its systematic connexions, and its bearings in every respect; so much the more, as the circumstances of the interruption in 1818 precluded from the presentation of the full report, which was just then in preparation.

2. I may be allowed to suppose the principles upon which the work is to be executed as sufficiently known, as well from the mathematical elements that must guide such a work in general, as by the plans that have been so repeatedly discussed and approved, upon all the occasions that circumstances have presented for their full consideration, and the test of the public approbation that they have passed.

3. It is, therefore, rather my task here to show how these plans have hitherto been followed; to state the results that have been obtained up to the present time; and to show their consequences.

4. The first distribution of a country into regular geometrical figures, that will approach its form the nearest, and under the most advantageous circumstances to procure accuracy in the survey of it, requires the union of a detailed knowledge of localities and theoretical principles, which is in general foreign to the habitual knowledge of the country in respect to its civil connexions; the operator can, therefore, be guided in it by no other but his personal inspection of the localities.

5. The general outline of the coast of the United States presents, in the neighborhood of New York, a considerable angle between the main directions easterly and southerly, and in some measure a basin, over which lines may be laid and determined between the surrounding elevations fronting these two main directions, thereby furnishing proper base lines for the continuance of the work; though, therefore, I extended my first reconnoitring as far south as the Chesapeake bay, I was ultimately, for the beginning of my work, arrested particularly by the deciding advantages of that locality.

6. Guided by the idea that behind the straight ridge of the Pallisadoes, in New Jersey, bordering on the Hudson river above New York, a straight valley was likely to be found, that would present the necessary first element of any survey, namely, a nearly level base line, of sufficient length to serve as ground to the triangulation, I directed my attention to, and found the confirmation in, the valley called English Neighborhood; of which I made a detailed survey in the spring of 1817, in order to give it the best location that the ground would admit of, and actually measured the distance between Vreeland's and Cherry hill, as more favorable than any locality that I had visited before with the same views.

7. As habitual for such kind of works, under the expectation of taking the best advantage of the future nearer investigation of the country, and not to make, at the very outset, expenses that might be more advantageously put upon a better line, this base was measured in a preliminary manner with a chain of twenty links, of one metre each, constructed under my direction, by which it was found to be 9,446.15 metres, corresponding to about 30,999.8 feet English measure.

8. From Weasel mountain, one of the prominent rocks of the Newark mountains, first ridge, which formed the first elevated triangle point through a number of other elevated points, a system of triangles was laid over the whole basin of New York bay, and its surrounding valleys, that presented determined distances, eastward, for the further continuation of the work over Connecticut and Long Island, and southerly over New Jersey, towards the Delaware, over the valley of which the nature of the country indicates the course for the main triangulation towards the south, to which the survey of the outer coast must attach itself at the two ends, the Delaware bay and Long branch, because the seashore itself is too flat, too wooded, and deprived of such prominent points as are necessary for a large triangulation.

9. These works exhausted the time of the summer and fall of 1817, until past middle December, even with the omission of the extreme stations which it was intended to occupy the next year, at the same time as the survey would be further extended.

10. Though, in extensive surveys, it is habitual to measure a verification base only at a considerable distance from the first base, I considered it, on the contrary, of importance, in my case, to have a verification, as early as possible, of the proportional accuracy of the base line measured in English Neighborhood, which formed then, and forms yet, the unit of the whole triangulation.

Therefore, a second or verification base was measured in December, 1817, upon the seashore of Long Island, between a point near the Narrows, and another near Gravesend beach, though not in a very favorable locality.

11. The length of this line was found 7,753 metres, or 25,443¼ feet English. The results of three different combinations of the triangles carried out upon it, falling all within two-tenths of a metre (or less than eight inches) of the distance measured, and within themselves, I had reason to consider myself sufficiently authorized to use my base line of English Neighborhood as a preliminary standard for my work.

As this coincidence is greater than usual in common geographical operations, I consider myself also allowed to propose to ground, upon the work thus far obtained, the detailed survey of New York harbor, for the next summer, as I proposed in my letter to the Treasury Department of the 18th December, 1817. The great coincidence of the sums of the angles of the triangles with that required by theory, came equally in support of this satisfactory result.

12. The whole of the observations collected during the summer of 1817, I had, of course, to submit to the necessary reductions, calculations, and clearing up of the results, during the ensuing winter. Besides that, I made also the theoretical calculations that must be derived from the theory of the figure of the earth, and the best known results of the elementary magnitudes, to deduce, from the data obtained by the triangulation, the proper location of each point to its place upon the earth, and in time upon a map. From the same principles, I deduced and calculated, also, those principles upon which the future maps were to be constructed, or, as usually called, the projection; which required so much more attention, and reflected calculation, as in the case of the coast survey it shall serve to carry the work out, in the minutest details, upon a large scale and a great extent of country.

13. While I was engaged in these calculations, the law of 1818 put an end to my further agency in the work, only a few weeks before I would have been able to present a report upon my work, that would certainly have been satisfactory, as I stated in my letter to the Treasury Department of the 9th of April, 1818, written in an-

swer to that announcing to me the dispositions that led to the breaking up of the work. In consequence of which, I delivered to the War Department all the journals, books, instruments, and other appurtenances of the survey, together with an unexpended appropriation of upwards of $5,000.

14. It is necessary that the stations of a work of the nature of the coast survey shall be preserved for future times, and uses in any other surveys to which the determinations made by it will serve as fundamental units. Therefore, I had caused hollow cones of stone ware to be made, which were sunk under ground at the station points, deep enough to be sheltered from any plough or light accidental digging; they are well centered to the stations, so that, on their discovery, a signal pole can be placed in them, to serve at any time equally as at first, as, by their nature, they will remain undecayed for centuries. Where the station point fell upon a solid rock, I caused a hole of about two inches in diameter, and seven or eight inches deep, to be drilled at the station point, and filled with melted brimstone, which will equally serve to indicate the exact point of the station. An exact description of the locality of the station must, of course, form a part of the journal of each station, to guide in the discovery of the point at any future time.

15. It does not belong here to speak of the chasm that is found, from that time until to the renewal of the law of 1807 by that of 1832, which confirmed the former in all its parts, though with the condition that it shall not be considered as authorizing the establishment of a permanent astronomical observatory, which the most enlightened members of the Government had, in 1807 and 1816, considered as a natural consequence of the law, because it should, in fact, form the fixed point in the hemisphere of America, to which the work of the coast survey should be attached; wherefore, also, I had been directed to procure, and actually had procured, suitable instruments for such establishments at the same time with those for the survey.

16. This peculiarity of the law of 1832, I have always considered, as stated already in one of my letters to the Treasury Department, as intended to provoke a more direct and separate proposition for the establishment of a proper national observatory upon a greater scale than a mere accessary to the coast survey, and properly adapted to the standing of our country among the civilized nations that have a navy, for which such an establishment is an absolute requisite.

17. In taking up the work again in 1832, it was, of course, proper to take advantage of what had been done in 1817, as base of the operations to be made under the new law, its foundation being good, and all its principal points ascertainable, by the precaution taken, as stated above; the proper acceleration and economy of the work, and good principles, equally indicated that course in preference to any other.

18. The first operation was, therefore, to uncover again the station points of the work of 1817, and to replace signals upon all the essential points; these were easily discovered, and signals placed upon them, of the same kind as formerly used, namely, truncated cones of sheet tin elevated upon poles; only two of them, needed only at some future period for the southern extension of the survey, were not yet found by my assistants, who visited the places, but will certainly be found when more especially needed.

19. The direction in which the first extension of the work was by preference to be made, was to be determined by the consideration of where the most advantageous progress could be expected, in order that I might be enabled to present, at as early a period as possible, an actually executed full scheme and example of the work. For these views, the continuation of the work eastwardly, over Connecticut and Long Island, presented evidently advantages over that southerly through Jersey, &c.

20. The line between Weasel mountain, near Paterson, New Jersey, and Harrowhill, near Hampstead harbor, upon Long Island, had been determined, in 1817, to serve for this direction; therefore, I reconnoitred in the fall of 1832, and even in the winter, through a part of the Long Island hills, and over the elevations of Connecticut that have those of Long Island constantly in view; and though, in the various intermixtures which they present, all the information that I received from the inhabitants appeared contrary to success, I was so fortunate as to find a series of from five to seven hills connecting very properly, and to good advantage for a favorable chain of triangles; and even the corresponding points of Long Island proved more visible from one another than their position, almost in a straight line, had allowed me at first to expect, by the generally wooded state of the interior of the country. Signals were, of course, placed upon all these points, of the same truncated cones as were always used.

21. All the points thus reconnoitred were placed upon a map of Long Island, according to approximate observations made at them; constructed according to the problem of three points, and dependant on the lighthouses on both shores of Long Island sound.

But, besides that the intransparency of the atmosphere near the seashore, in winter, always renders the distant vision indistinct, the actual inclemency of the month of January prevented the full decision upon the visibility of Weasel mountain, from Buttermilk hill, in Dutchess county, behind Tarrytown, which its locality promised to bring in the line from Weasel, through the interruption of the hills of the Pallisadoes, and the northern hills of New York, commonly called the Notch, which was, however, of the greatest importance.

22. Circumstances, out of my control, delayed my stay in Washington above my expectation, during the winter of 1832 to 1833. As soon as I had again arrived in New York, I placed upon the stations of Weasel mountain and Harrowhill signals of larger dimensions, though of the same form as I always used. Then I began the summer campaign with the station at Buttermilk hill, where it was necessary to ascertain first whether that point would actually answer, in full, the condition of joining the triangulation of 1817 with the continuation of it that I had projected. This was actually verified; so that the whole of my projected triangulation promised to be proper and available.

23. Upon this first station I had, of course, also to put the instruments in proper adjustment, and to introduce my assistants into the peculiarities of the work, and the observations; all which protracted so much more the stay upon this first station, in addition to the often unfavorable weather. The extremely unfavorable weather of the most part of the last season, in general, protracted our stay upon all the stations much beyond expectation, and what is hoped will be the case in future, particularly when the arrival of the new instrument, expected from London next summer, will dispense, in some measure, with the numerous and anxious repetitions and cares which the present state of the two-feet theodolite, that had to be used for the great triangulation, obliged me to go through; for this campaign has particularly proved that the accuracy and good state of the instruments is one of the greatest means of economy, by the greater celerity with which results can be obtained by them.

24. It would have been desirable, after the success of that station of Buttermilk, to go upon Weasel mountain and Harrowhill, to observe the angles of this main junction triangle, but it was also desirable to ascertain

the whole series of triangles projected; and I hoped to make these stations, at the close of the campaign, in the fall, with more economy of the moving of the whole establishment. To get, however, the preliminary determination of the distances required for the calculations which it is necessary to make in the field to guide the progress of the work, I determined this triangle by the given distance between Weasel and Harrowhill, of which the angle subtended at Buttermilk was carefully measured by the azimuth carefully observed there, and compared with one that I had observed in 1817 upon Weasel, though I had far less reason to rely upon its accuracy.

25. I prosecuted, therefore, my northern triangle stations easterly until past New Haven, and, by return, the southern stations upon Long Island, and laid some triangle points upon the southern seashore of the island. From these main stations I measured as many angles upon secondary triangle points as the localities, time, and circumstances allowed, in the same manner as I had done in 1817. In the course of the work, also, another station point was found, the substitution of which for that of Buttermilk will furnish a very desirable and very favorable verification of the large distances, by doubling the series of the largest triangles. I made, therefore, the proper observations for that from the stations by which it will join the other triangles, the distribution of which is on another side best adapted for the survey of the details in their neighborhood.

26. Upon one of the southern beaches of Long Island appears to present itself a locality for measuring a base line of more extent, and probably under more favorable circumstances than that of English Neighborhood; this is now under nearer investigation, by Captain Swift; and the necessary preparations for this operation, as important as laborious, tedious, and expensive, are in proper progress, as it must, necessarily, be the first work of this summer's campaign.

27. The operations before described having lasted until December, at which time we were upon the Westhills stations, and the winter setting fully in, with the consequent intransparency of the atmosphere of the seashore, I was forced to abandon my plan to visit the stations of Weasel and Harrow myself. To obtain, however, a better determination, or verification, I directed these two stations to be occupied, preliminarily, by some of my assistants, though with inferior instruments, that will, therefore, not dispense my observing there, in proper time, myself. So Mr. Blunt observed the angles upon Harrow, and Mr. Ferguson those upon Weasel; and, upon their results, joined with those of Buttermilk hill, the present preliminary determinations are grounded, as far as they are dependent on this part.

28. When I had executed the station at Mount Carmel, the extreme eastern one, to which I had intended to extend my observations that year, I considered myself authorized to form two parties to carry on the secondary triangulations within the limits of country that my main triangulation embraced, as the triangles could all be sufficiently determined to allow the verifications required in future. Keeping, therefore, only two of my assistants, Captain Swift and Lieutenant Bell, with me, Mr. Ferguson was directed, with the assistance of a secondant, to fill up with secondary triangles all the parts included between the main northern triangle points and Long Island Sound; and Mr. Blunt, with another secondant, was directed, in a similar manner, for all that related to both shores of Long Island; both equally proceeding from the eastern extremity of our work towards New York.

29. The secondary points thus determined must be sufficiently numerous, and placed in such a manner as to enable from them to fill up all the details, by plane table operations on land, and by observations for the soundings upon the water. Considerable advance was made in the secondary parts already in the latter part of last fall, and the works have been taken up again this spring early, though the weather in that neighborhood has again proved very unfavorable.

30. Upon Buttermilk and Toshua regular series of azimuth observations with the sun were made with the two-feet theodolite, by myself; and the latitudes of all the most essential stations were observed by my assistants, partly with the 18-inch repeating circle, partly with the 10-inch repeating reflecting circle. By the calculations of this winter these latitudes were all reduced to one collective result, by means of the azimuths; and their coincidence has been more satisfactory even than I expected.

31. These reductions, carried through the works of 1817, to the City Hall of New York, the latitude and longitude of which had been determined by entirely different means, gave the points from which the longitudes have been counted, as reduced to Greenwich; there being no other point within the limits of the survey astronomically determined, nor any fixed point in the United States from which the longitude could be counted.

32. As well in my operations of 1817, as in those of last year, the angles of elevation or depression of the main-station points from one another, have always been observed, except upon my two stations upon Long Island, because these will be revisited at a future time. These observations will furnish, in time, an interesting collection of data, upon the elevation of all these points over the level of the sea; but neither the winter of 1817 to 1818, nor this last, it has been possible, for want of time, to calculate any results; in fact, it is rather more proper to postpone these calculations until the exact distances are fully determined, upon which these results depend; they will, therefore, with more propriety, form a part of the calculations of next winter.

33. Since I made, in 1818, my calculations of the elements of the projection that will be most advantageous for the construction of the maps, as most concordant with the results of both the triangulations and the detail surveys, the knowledge of the dimensions and figure of the earth has much improved, and been much more accurately defined; I had, therefore, to make anew all the theoretical calculations thereto referring, upon the most approved elements, of which the leading data are the elipticity of the earth, and the mean degree of the whole meridian, that is, the 1-360th part. It would, however, be out of place, in the present state of the work, to enter into these nearer details of theory, which will become of great interest hereafter, as the ultimate results of the coast survey must furnish one or more of the data for the perfectioning of these results themselves, if it shall take its appropriate standing among the works of this nature; it is to be hoped that it will be properly discussed at the end of the work of the main triangulation.

34. It may be here the place to state the reasons for adopting the metre for the unit measure of the whole survey. 1. I had a fully authentic metre made by the committee of weights and measures in Paris, while of any other measure whatsoever, I could only have a copy more or less accurate. 2. Notwithstanding older ideas to the contrary, I found, positively, in my comparisons made for the weights and measures, that, in a general way, the metres are obtained of greater accuracy and coincidence than the English scales. (See my report upon weight and measure comparisons.) 3. By my repeated comparisons of this identical and authentic metre with the scale of Troughton, of eighty-two inches, adopted as English standard in this country, together with a number of other measures, its ratio to either one of them is sufficiently determined to enable at any time to present any distance, in either one of the measures

thus compared, as, for instance, to obtain the value in English inches, will need only the addition of the constant logarithm=1.5952859 to the logarithm of any distance recorded in metres. 4. In the ultimate general account, it will be proper to give the distances both in metres and in yards, or feet, to ease the utility for the various future detail applications of the work.

35. The connexion of the station points of the triangulation, by their differences of latitude and longitude, was calculated upon the same theoretical principles stated above: they have coincided with the results of the latitude observations, that are, by their nature, entirely independent of the geodetical operations, to such a degree as, notwithstanding all my cares, I did not consider myself authorized to expect; and the reduction to the City Hall of New York showed an equal coincidence with observations made some years ago, by Captain Sabine, on the occasion of his pendulum observations.

36. This afforded also an additional proof that the result of the measurement of the base in English Neighborhood, measured in 1817, would be sufficiently relied upon for the preliminary calculations, as it stood the test of being extended to distances about 160 miles from the same. It confirmed equally the near approximation of the azimuths observed last year, &c.

37. It is, however, evident that my dependance for the ultimate azimuths and latitudes of deciding accuracy must as yet be referred to future observations, with the superior means of instruments, &c. that I have in part ordered, and in part still to continue; in respect to the longitude, it is too evident how desirable an observatory will be, as no doubt will be provided in proper time by special means, independent of the coast survey.

38. My attention at the present stage of the work must be directed principally to the measurement of a base line, with all the means of accuracy that I may be able to dispose of, by means of the apparatus of which I have given the description in my printed papers upon the coast survey. The brass parts of the apparatus were put in full good order already, during last summer; the woodwork is in construction in New York, under the direction of Captain Swift; and I have just now put the double metre bars, which shall determine the absolute length, to their proper standard, by means of the apparatus provided for it, and with the help of my assistant in the weight and measure business.

39. In the actual measurement of the base line, I shall unite all my present assistants, principally because they will all take a great interest in the operation, which is, in its kind, of a peculiar nature, and not often occurring, wherein every operator will always follow his peculiar ways, according to his situation and the means at his disposal.

40. As soon as the result of the base line is ascertained, which will require some time and considerable calculations, the result will be applied to the recalculation of all the triangles; and the reductions to the geographical position will be repeated with this new element. Then a projection of the points, upon the scale of the fifty-thousandth part, will be made upon papers, distributed over the extent of the work, in such parts as will be best appropriated to the filling up of the detail surveys, by the plane table, and the insertion of the soundings, in which works the most of my assistants will then be distributed, while I shall proceed again in the main triangulation.

41. During the execution of these works, I hope that the instruments ordered of Mr. Troughton, in London, will arrive in this country, at least if he can execute the promises given to that effect. I hope, therefore, to be able to avail myself of the new large instrument, for the continuation of my work in the main triangles, the determination of azimuth's latitude, and all the more delicate observations, upon properly selected favorable stations. The two-feet theodolite, that I have used last summer, I shall then propose to send to Mr. Troughton to have it again put in a proper serviceable state, for that accuracy of which it is susceptible when in good order.

42. At the same time, with the distribution of the detail surveys upon land, I should like to put in activity two parties of naval gentlemen, for ascertaining the soundings in the neighborhood of the same parts that the detail surveys would embrace; as they would probably sometimes work in conjunction with one another, they would embrace a great part of Long Island sound, and part of the south shore of Long Island. This, however, will require to take some arrangement previously, in relation to the vessel or vessels which it will be necessary to employ in it. Lieutenant Bell, of the navy, who has been one of my assistants last summer, will take the direction of at least one of these expeditions, as his acquaintance with the locality will of course assist him much in the proper execution of this task.

43. I join to this report skeleton maps of the triangulations that have been executed hitherto, containing all the main triangles that I executed, and so much of the secondary triangles, of the two separate parties, as have been communicated to me until now. The distances in numbers would be of no interest in this report, and belong only to a final report; upon the scientific part of the work, it is at no rate proper to mention any before the calculations have been grounded upon a final base measured as above stated. These maps present four sheets upon the scale of the one hundred-thousandth part, which is that upon which it will about be proper to execute the detail maps for publication; the whole system of the operations, as far as hitherto executed, will become evident by them. It appeared to me to ease the general insight into the bearing of the work, to add a fourth sheet, upon the half scale of the others, that will present the general view of the whole work; the easier reference to the locality of the triangulation will be assisted by the tracing, only in pencil, of the approximate outlines of the coast, for the survey of which the triangles contain the elements. The projections are made upon the principles above stated, and will present no deviation for the filling up to the minutest details, when executed upon the scale of one fifty-thousandth, in which it is proper to execute the main original copy of the Government.

44. It is proper that all the maps should be drawn upon a proportional decimal fraction, of the real dimensions. There is a great advantage in being able to ascertain, by the simple measurement, in any length measure whatsoever, the real distances desired; this can only be obtained by such a system of scales which, therefore, also is the only one adopted in the present times. The scales of so much in inches, or any other small measure per mile, giving altogether an irregular proportion, are very bad, and therefore have been entirely abandoned in the new maps.

45. It is proper to add here some general remarks upon the character which it is necessary to give to the work of the coast survey, its general bearing for the benefit of the country at large, and the influence which its proper execution shall have upon the improvement of the practical mathematical sciences that are so necessary in our country, and the standing of the officers of the army and navy, to whose departments works of this nature, or requiring similar knowledge, are so often referred: though I have already touched this subject upon other occasions.

46. The survey of the coast must evidently, merely as such already, extend land inwards, at any place, until to the ridges of hills or mountains that border the valleys

emptying their waters into the sea, or the large bays and rivers; it must present the localities of all the passages and gorges that lead to these valleys, &c., because it must contain all that is needed for the proper defence of the coast in case of any attack whatsover, just as much as the outlines of the coast and the soundings, because like these furnish the guide to the navigation, so the others are the elements upon which the directions for a proper defence of the country, in case of need, must be grounded; and all these elements must be so detailed, and present such a full and self-explaining picture of the country, that, with the map before the eye, the military operations may be properly judged and guided in the cabinet. It is, therefore, also habitual to join for each district a statistical statement of its natural means and resources: it is as desirable to have these accounts of the land part as those upon the currents in the naval part of the work.

47. This work must besides furnish the elements of any other survey that may be desired for any public aim whatsoever, either within or in the neighborhood of its extent; its accuracy, if properly executed, and its wide range, render it peculiarly fit to become a standard to which all other surveys may, and even shall, be attached; thereby will be gradually obtained the necessary accurate data for any puplic undertaking of general utility to the country. This feature of the work was felt already in 1817, when the Governor of New Jersey proposed to unite with it the survey of a map of that State, but which was lost by the delay of the decision of the Treasury Department, where I had proposed to accede to the request. It appears equally felt now by the proposition of the State of Maryland for a similar junction of the map of that State, which has been very properly acceded to; and no doubt similar occasions will increase in the same proportion as the general improvement of the country advances, and the proper character of the work of the survey of the coast becomes established: this is another proof of the propriety of the measure that I took at all times properly to secure the station points for future use.

48. The character of a work of the nature of the coast survey is essentially scientific; without that this character be impressed upon it, to the evidence of the public, capable to judge of it, neither credit nor confidence will be given to it; it is, in fact, worse than useless, because it increases the doubts of the cautious and intelligent seaman, and its defects mislead the ignorant who trust to it. Plans, going merely upon what is so wrongfully called sufficient accuracy, are inadmissible, and would prove highly expensive. The economy in the work consists in the certainty of producing the most accurate results.

49. In the execution of the laws in any country, and in a new country in particular, it appears to me to be a duty to take all possible advantage of it, to promote the most possible the general benefit of the nation, and especially its scientific improvements, wherever there may be an occasion presented for it, and that upon a liberal scale, because its benefits are always far more extensive than what shows itself at the first outset. I am authorized to this assertion, in the present case, by the approbation which my treating the coast survey with these views has caused me to find in the most enlightened men of the country, and even abroad, as testified, among others, by late President Jefferson himself, who was the author of the original law, and by many other distinguished citizens: we have, besides, before us, the well-known examples of almost all European countries, who have derived valuable benefits, of various kinds, from the proper execution of similar works, in a scientific form.

50. With these views, also, I found it proper to collect a valuable library of the best works in these parts of mathematics and natural philosophy, that are either directly bearing upon the work itself, or more or less connected with its accessary or influencing branches, by which my assistants may properly improve their scientific standing, and become the more useful to the country in future. It will also be proper to add to the work, as soon as it is in a proper train, such scientific experiments or observations as relate to the pendulum, the magnetic attraction, the tides, refraction, and other similar subjects, which are always connected with such works when properly scientifically treated. I could, as yet, not do more in this than to cause the magnetic bearing to be observed upon the main stations, merely to determine the declination of the needle at the places and time; but for any other observations, nothing is as yet properly provided, nor, in fact, was there time at *disposition* for it.

51. By the nature of the services that the navy and the army are engaged to render to the country, these two classes of citizens, that are always of considerable influence in any country, deserve peculiarly, though not to the exclusion of other citizens, to be quoted here in connexion with this work. Such officers, in either of these services, as have applied to the study of the higher branches of their profession, of which mathematics form the foundation, will find in the work of the coast survey an occasion of improvement, as well as of gratification for their good dispositions; therefore, preference is naturally to be given to those who, with a good foundation in theory, have been successful in the career of practical application of mathematics, in topographical surveying, drawing, and particularly observing, and generally in making, geodetical and astronomical observations for actual use. Only such officers can reap some benefit for their individual improvement, or be of any service in the work, because this utility must be reciprocal, if success shall attend on either side. The officer or individual whosoever, joining the work without sufficient knowledge, and even practical ability, cannot reap any benefit from following it, and of course he is entirely useless for the work, and the coast survey would be improperly laden with him.

52. The success of those officers that have, in the work, both given and received satisfaction, will invite others to acquire the qualifications indispensably required to become serviceable, and thereby to enter the work; but the work itself cannot be the school for him who is too far behind to be of some actual service in it; the distance to be gone through is too great for him; and the functions of all those actually engaged in some part of the work are too constant, and too fully occupying them, that he might be taught and schooled separately who brings not knowledge enough to the work to see himself what he can do, as well in application of his actual acquirements, as in advance of them. All this applies, of course, equally to the assistants from any rank whatever.

53. To all this it is still necessary to add, that habits of assiduity, and devotion to a scientific object, with friendly and open dispositions, without any pretensions, are equally indispensable moral qualifications to which it is necessary to attend in the selection of the assistants in this work, as much as to their intellectual qualifications and acquirements. For there can, by nature, not be any control upon any observation intrusted to an assistant, or over the assistance rendered in an observation, except the moral strength of confidence; orders from superiors, fear of consequences, and all considerations of that kind, cannot have the slightest power; the morality and ability of the observer, at the very moment, decides what no power whatever can decide; and this is equally applicable to any chief, or any assistant whosoever, of whatever grade he may have in the work.

54. In thus exposing the principles that must guide in the selection of the assistants for this work, and which shall, therefore, ever guide me in the proposition of any assistant, of any rank or class whatever, I give the pledge that I shall always be guided by perfect impartiality as to the personal, though I may propose persons of different qualifications, with the view of their different employments; the moral principle which must guide in all such cases is, simply that every one must see before him an aim for his inclination or ambition, to which he will apply his exertions honestly, the result of which will be useful to the work. With these principles, I hope to be as successful in my choice as the general chances of human affairs will admit, and to be approved in my selections; therefore to obtain, from the civil, naval, or military rank, always such assistants as will act with pleasure and satisfaction, and therefore do honor to the work and to themselves; thence reflect credit upon our country and nation, convinced, as they must be, that they act before the whole civilized world, because the history of such works is always minutely known to every well-informed man.

55. I can, therefore, also fully rely upon the concurrence of the department under which the work is placed, as well in the aim as in the means to reach it successfully. This success must be one of its greatest aims, upon the consideration of usefulness as well as upon that of its high credit.

F. R. HASSLER.

Washington City, *May* 17, 1834.

Notices upon the maps of the triangles herewith joined.

Four sheets upon the scale of 1-100000th, present as well the main triangles as the secondary ones, distributed in such sheets as will be proper to allow the necessary room for the insertion of the soundings upon the seaside, and the insertion of the details of the land near the coast, thence adapted to the actual execution of the charts and maps for publication upon a large scale; they are, of course, properly oriented, perpendicular to the meridians and parallels.

No. 1 contains the neighborhood of New York.

No. 2 exhibits the continuation of the country in the same latitude as the former over Long Island, eastwardly.

No. 3 has that part of the triangulation that falls north of the first sheet; and, therefore, principally the triangle points land inwards, connecting with those of the shore.

No. 4 contains the triangle points north of sheet No. 3, thereby presenting the part of Connecticut east of No. 2, and north of Long Island sound, in the neighborhood of New Haven, &c.

A fifth sheet is added, presenting the union of the whole work, equally oriented, but only upon the half scale of the preceding ones; that is, 1-200000th part, to show the full connexion of the works; to assist in the reference to the localities of the country, the rough outlines of the coast are traced upon this sheet, by which it becomes evident how the triangulation will apply to the detail survey of the minuter configuration of the country, shores, bays, &c.

F. R. HASSLER.

Q. 1.

Report of F. R. Hassler, as superintendent of the survey of the coast, additional to that dated 17th of May, 1834, *containing an account of the progress of that work during the summer, and until November, of* 1834.

1. I stated in my report, of which this is to be a continuation, as well as in many previous communications, that the accurate measurement of a base line, by the means especially provided for that purpose, the description of which is published long ago, was, after the measurement of the angles of the main part of the triangulation, presented in that report, the first, and, as is well known, most important part of the work; to that I had, therefore, principally to devote my attention and personal exertions this summer.

2. I also stated in that report, that, from the observations upon the stations of Rulands and Westhills, upon Long Island, there appeared to present itself the prospect of a base line, far more advantageous, in every point of view, than that measured preliminary in English Neighborhood, New Jersey; namely, upon the beach called Fire Island beach, upon the south shore of Long Island, which separates what is called the Great South bay from the ocean.

3. Viewed from the two named stations, this beach presented a narrow strip of land, that appeared straight between the lighthouse, at the inlet of the bay, and the station point called Head-and-Horns, and perhaps even farther. Its position lies eminently favorable for the determination of the distance from Westhills to Rulands, which presents itself extremely favorable as a base for the large triangles crossing Long Island sound over to Connecticut, &c., as evident by the maps of the triangulation joined to my report of last May.

4. These advantages were too great not to decide in favor of this location of the base line, for the execution of which Captain Swift was preparing all the mechanical means in New York, during the time that I wrote my last report, and before. But it would have been very desirable that the actual work could have been begun with the earlier part of the season; this, however, was impossible, on account of a considerable part of my time being taken up in Washington in the latter part of the winter, to give to the Navy Department all the information that was requested, on account of the correspondence of the coast survey being transferred to that Department from the Treasury Department, where all the detail arrangements of the work, and the tenor of the agreements made with me, were known from their very beginning.

5. When I could join my assistants in New York, in the earlier part of June, the means being all on hand, I directed the final adjustment of the whole base-measuring apparatus, and what is connected with it; there were also engaged an adequate number of men for the manual assistance required, in the selection of whom we were really fortunate to obtain all efficient, regular men, of such different qualifications as are absolutely required for the very varied exigencies of an accurate measurement of a base line, and the extra works that it requires, in a place entirely isolated, and thence distant from all other means to provide for them.

6. I directed, then, all the assistants, not especially otherwise engaged, the men, and the apparatus, and equipments, to Fire Island lighthouse, in the neighborhood of which the west end of the base line was to fall; and directed the assistants, joining there, to make a detail survey of the beach, from its western end till to Head-and-Horns, or even to Hatch hill; such a previous survey being always necessary to enable to select the most favorable ground for the actual measurement. The map of this locality, hereto joined, proves this evidently. Two lines between Head-and-Horns, and some points near the lighthouse, proposed and scrutinized first by my assistants, presented such difficulties, by intervening sandhills and bushes, as not only would have required great length of time in overcoming, but also would have occasioned chances of inaccuracy, besides a great deal of calculations, for the consequent and necessary reductions to the too much interrupted horizontal line.

7. When I could join my assistants upon the beach,

in the beginning of July, though by no means in a good state of health, and after having visited the projected lines, the difficulties they presented decided me to try to lay off a straight line upon the outward sandy shore of the ocean, between the sea and the sand-hills, which appeared to present a nearly straight line, little different from parallel to the shore. This succeeded so well, that a line was laid out, starting from a sand-hill of moderate elevation, somewhat southeast of the light-house, and extending over eight miles upon the sandy beach, only in a few instances edging the sand-knolls, and in some others going between the high and low water mark on the seaside; the lowering of the first, as much as needed, it was easy to accomplish; and the second apparent difficulty was equally easily overcome by so regulating the work as to meet these places during low tide.

8. This line was then laid out accurately straight by means of a transit instrument, and measured, preliminary, by the same chain of twenty metres which had been used in 1817 for the preliminary measurement of the base line in English Neighborhood, and which serves now for the detail planetary survey of the south side of Long Island. At every 400 metres a peg was driven into the ground, bearing the mark of the distance. These precautions are always required as a great means of security against mistakes, by the omission that might happen of inscribing a measuring bar-box in the registers, as thereby constant verifications are presented.

9. During the months of August, September, and October, this line was then measured in forty-five days, of which, twenty-seven in August, fifteen in September, and three in October; the other part of that time being taken up either by interruption from unfavorable weather, or such days as were necessarily employed for the moving of our encampment along the line, for which it was always necessary to employ all the helps otherwise engaged at the manual part of the base measurement, there being never any doublets of men engaged in our work; and, I must add, near the end of it, also, my own increased state of sickness was unfavorable.

10. At every 400 metres, as determined by the accurate measurement, and at every 1,000 metres, strong pegs were driven in the ground, marked by their distance from the west end; and every 2,000 metres was besides furnished with one of the stoneware cones that are always used at the station points; these are intended as fixed points, from which the detail points of the soundings in the sea that they border are to be determined.

11. Both ends of the base lines thus resting upon two sand-knolls that will, by their position, in all appearance, always be secure from the sea, have been marked by two monuments, each consisting of a Newark red sandstone, about four feet high, hewn square for about eighteen inches from the top, with an even top of one foot square, and a round hole in the centre; under the square-cut part a frame was fixed in, consisting of four pieces of hard-wood scantling, embracing it closely by grooves made expressly in the stone, the lower part being left rough. These stones were sunk entirely even with the sand, together with their frames; which, by their extending about twenty inches on each side further in the ground, will make them stand more solid, and maintain their perpendicular position.

12. The distance between the monuments will exceed 14,050 metres, or eight and seventy-two one-hundredths miles; the accurate number will result from the calculations that I shall make next winter upon the reductions needed, for, 1st, The varied state of the temperature; 2d, The elevations and depressions that the localities of the ground obliged to make in many places; 3d, The reduction of the line actually measured upon the shore-sand, to that between the monuments, for which all the data have been determined upon the place.

13. The apparatus used for this measurement is that which I have described in my printed papers upon the coast survey, which, though grounded upon entirely new ideas of my own, has obtained the approbation of all the men of science acquainted with such kind of works. It has proved itself practically, yielding the greatest accuracy, as its ultimate product is a line of near nine miles, measured microscopically. It has also proved a very expeditious, therefore even an economical arrangement, as the line was measured in the same time (forty-five days) as the base line of Mr. De Lambre, of 11,840 metres, which mine exceeds, evidently, considerably. In fact, this base is one of the longest ever measured, with an accuracy in any way comparable.

14. The details of the operations in principle, and even the manipulations, are already described in my "papers upon the coast survey;" and as the statement of the final numerical results must naturally be postponed until the adequate calculations will have been made, I have here only yet to state the great satisfaction which it gave me, that my assistants engaged with me in this arduous task, naturally entirely new to them, acquired the manipulations of the apparatus so well, that when otherwise favored by the weather, and the locality, we proceeded with a rapidity far above all expectations; and their cheerful exertions during the whole time, and even that of the laboring men, deserve due praise, and were a great support to my personal exertions, particularly towards the end, when my ill health had rendered my personal exertions very difficult and fatiguing.

15. The detailed account of this operation, which is of rather a scientific nature, I flatter myself will be of interest, and therefore enhance the value of the methods that I have devised for the works of the coast survey, as well as increase the interest of the work with the Government and the well-informed public in general; in fact, this account of the work belongs rather to the ultimate scientific account of the main triangulation for the whole work.

16. I had expected, at the close of the last campaign, that, after the measurement of the base line, I should be able yet, during this campaign, to measure the angles of the triangles, that will determine directly from it the distance from Westhills to Rulands, and also those angles on Harrow hill and Weasel which connect my work of 1817 to the present; this I intended to do with the large instrument ordered of Troughton, and promised in due time for that purpose. But, unfortunately, not only this instrument has not yet arrived, but even many unexpected impediments have arisen that have made the execution of my projects impossible, and deprive me even now of the use of the means by which I had intended to supply this deficiency. Besides that the lateness of the season at which the campaign could be opened postponed naturally every thing equally as much as my stay in Washington had been protracted, as above stated; an accessory result of which was, that the season for living and working at the seashore falling partly in the equinoctial storms, not only our progress was impeded, but it reduced me ultimately to the sick bed, and the lingering state consequent to it, which lasts even now, increased and maintained by the difficulties laid in the way of my progress. I had, therefore, also to avail myself of the asistance of Mr. Blunt, whose operations were near the base line, for the measurement of the accessory and preliminary angles, that had to be measured at different places of the base line; for which, besides, neither I nor any of the other assistants engaged at the actual measurement could leave our functions.

17. Though the two assistants engaged in the secondary triangulations (Messrs. Ferguson and Blunt) were some part of the time with me at the base line, (particularly Mr. Blunt,) they have continued equally their tasks

(as I stated in my last report) that they were engaged in, namely: Mr. Ferguson in Connecticut, Mr. Blunt upon Long Island, continuing the secondary triangulations, of which a part is already included in my report of last May. The comparison of the sketch of Mr. Ferguson's triangles, here joined, with the maps of my last report, will show his part of progress. The necessity of calling off Mr. Blunt for the triangulation around South bay, and to the base, has made it impossible to present with this report a corresponding sketch of his works, besides that herewith from the said South bay.

18. It is my intention to have the topography of the south part of Long Island, near the base line, fully executed this fall, as well upon land as for the soundings of the great South bay that lies between Fire Island beach and the main shore of the island. With that view I marked off a part from the west end of the base, easterly, of such length as would serve as base to triangles, adapted in size to the dimensions of that bay. Such a triangulation was then grounded upon it, by Mr. Blunt, as envelops the whole bay from its entrance to its eastern extremity, as shown by the sketch here joined.

19. The results so obtained were projected upon the scale of one ten-thousandth, to serve for the filling up of the topography with the planetable, at which Mr. Renard is just now engaged.

20. In the same manner, Lieutenant Gedney, of the navy, who has been appointed, upon my proposition, for the first expedition of soundings, namely, that of the bay so enclosed in these triangles, and the seashore adjacent to the beach, has been furnished with a projection of these triangles, upon a scale sufficiently large to make his preliminary constructions for placing the soundings, in which service he is now engaged upon the bay.

21. It was my intention to procure from Paris the materials and implements (which hitherto I have furnished out of my private stock) necessary to have a fully finished map executed of the part of the coast in the vicinity of the base line, where the topographical details are now executing, and the soundings are now taking, by which I would have been able to present, this winter, a real sample of the execution of the maps early enough yet to lay it before Congress during the course of the coming session; also, exemplars of drawings in all the different scales that it will become necessary to use were to be procured, as I have only (in my private possession) a single exemplar upon one scale that was presented to me long ago by Mr. Beautemps Beaupré, of the Depot de Marine in Paris; for it must be here observed, that these objects are not obtainable from any other place than Paris, or where they were brought to from there, and that there has been established for all such works a universally understood conventional language of signs and manner of distinguishing the objects, which appears not yet much known in this country, and which it is necessary to adopt, in order to be properly intelligible for every body, and to present the results also from that side, so as it is proper in the present state of the science. But the impediments mentioned in my correspondence, as laid in my way for the best forwarding of the work, by procuring the necessary means in due time, has frustrated me of the pleasure of giving that satisfaction this year; this can only be remedied the following winter, (if in the mean time the difficulties are levied.)

22. The secondary triangulation, made by Mr. Ferguson, is now brought to the pallisadoes, on the west, from New Haven, where its eastern part begins, and that of Mr. Blunt upon Long Island, parallel to it, both upon the plans as already stated, though I had to interrupt Mr. Blunt several times for works at the base line.

23. Thence, also, of all these parts of the country the work is brought to its ultimate application to the minute details of the topography, which I, therefore, intend to put in full activity, as soon as the necessary arrangements can be made, which, in the present state of things, is impossible.

24. I am sorry to be obliged to state here, yet, what is otherwise evident to every man who occasionally is a witness to the work of the coast survey, that from the most important to the minutest part of the work, every thing is arranged in the most strictly economical manner, and at the same time so as to produce the greatest possible effect, in perfectly accurate results, in the shortest space of time; for in this principle lies the true economy of the work; any arrangement whatsoever not fitting to this aim is a direct loss, as well in work as actually also in money. My experience, by having made similar works formerly, at my private expense, I find a sure guide in this respect; and I dare to assert, with full confidence, that never so much actually valuable work was obtained in the same space of time, and for the same proportional amount of money, in any other survey whatsoever.

25. By the change of the Department to which this work is committed, it became necessary for me to spend much time in giving the informations necessary, to introduce many gentlemen, completely new in the business, into the proper genius of the work, and its advantageous organization, which lies in documents reaching from 1807 to the present date, during which time, on one hand, the arrangements were constantly perfectioned, while on another, even the older documents in the hands of the Government have been destroyed by the conflagration of the Treasury office; so that now I am alone in the possession of them in their original. I had already some time ago begun the copies to restore these documents, and they needed principally only my revision and signature; but it has become necessary to make use of so many of them, that the collection is now very incomplete, and actually my time is otherwise too much engaged to attend to this part at present.

26. As this report is rather to be made in haste, to reach in due time for the aim of the President, to present it, with the message, to Congress, in addition to that of last May, minuter details have been excluded. I expect, however, to have presented the principal features, and the state of the work, to sufficient satisfaction for the present purpose, and to have made it evident that I have continued the work according to the principles laid out for me, from its first beginning, in 1816; that is, in a manner, *honorable and permanently useful to the country*, which was already the judgment that late President Jefferson, with whom the first law of 1807 had originated, gave upon my work of 1817; and if nothing is altered in my plans, and my organization of the whole arrangement, I can promise equally good success for the further continuance, and even assure that, by no other means or arrangements it is possible to obtain such a result; for this the judgment of all the practical and experienced men of science in this line, all over Europe, is already recorded in the scientific prints.

F. R. HASSLER.

Westhills, *Huntington township, L. I.,*
November 11, 1834.

ANNUAL TREASURY REPORT.

Treasury Department, *December* 2, 1834.

The Secretary of the Treasury respectfully presents the following report, in obedience to the "Act supplementary to the act to establish the Treasury Department."

He would invite the attention of Congress—

I. To the Public Revenue and Expenditures.—(A.)

The balance in the Treasury, on the 1st of January A. D. 1832, was			$4,502,914 45
The actual receipts into the Treasury, during the year A. D. 1832, from all sources, were			31,865,561 16
Making the whole amount in the Treasury in that year			36,368,475 61
The actual expenditures during the same year, including the public debt, were			34,356,698 06
The balance in the Treasury, on the 1st of January A. D. 1833, was, therefore			2,011,777 55
In addition to this balance, the receipts during the year 1833 were, from all sources			33,948,426 25
Viz:			
Customs		$29,032,508 91	
Lands		3,967,682 55	
Dividends on bank stock		474,985 00	
Sales of bank stock		135,300 00	
Incidental items		337,949 79	
These made, with the above balance, an aggregate of			35,960,203 80
The expenditures during A. D. 1833 were			24,257,298 49
Viz:			
Civil list, foreign intercourse, and miscellaneous subjects		$5,716,245 93	
Military service, including fortifications, ordnance, Indian affairs, pensions, arming militia, and internal improvements		13,096,152 43	
Naval service, including gradual improvement		3,901,356 75	
Public debt		1,543,543 38	
Thus a balance was left in the Treasury, on the 1st of January, 1834, amounting to			11,702,905 31
The receipts into the Treasury, ascertained and estimated, during A. D. 1834, are computed to be		$20,624,717 94	
Of these, the receipts during the first three quarters are ascertained to have been		16,324,717 94	
Viz:			
Customs	$12,740,872 25		
Lands	3,076,475 50		
Dividends on bank stock Sales of bank stock Incidental items	507,370 19		
And those during the fourth quarter, it is expected, will be		4,300,000 00	
Thus, with the balance on the 1st of January, 1834, they form an aggregate of			32,327,623 25
The expenditures of the whole year are ascertained and estimated to be			25,591,390 91
Of these, the expenditures during the first three quarters are ascertained to have been		$16,545,342 92	
Viz:			
Civil list, foreign intercourse, and miscellaneous	$3,475,527 08		
Military service, including fortifications, &c.	8,349,400 06		
Naval service, including, &c.	2,913,183 12		
Duties refunded	108,546 19		
Public debt	1,698,686 47		
The expenditure for the fourth quarter, including $4,462,330 99, on account of public debt, it is supposed will be about		$9,046,047 99	
Thus leaving, on the 1st of January, 1835, an estimated balance of			6,736,232 34

This balance includes what has before been reported by this Department as not available, the sum of about $1,400,000, but which is now ascertained to be reduced to about the sum of $1,150,000, making the computed available balance on the 1st of January, 1835, to be $5,586,232 34. It is estimated that, of former appropriations, there will remain unexpended, at the close of this year, the sum of $8,002,925 13. Of this amount, it is supposed that only $5,141,964 27 will be required to accomplish the objects intended by the current appropriations, leaving the sum of $999,742 93 applicable, afterwards, under permanent appropriations; and that of $1,523,308 79 to be applied in aid of the appropriations for the ensuing year, without reappropriation, as will be seen in the estimates when submitted, and the balance of $337,909 14, which has not been required at all, or seasonably, for the objects contemplated in its appropriation, and will, therefore, be carried to the surplus fund. In the examination of this result as to outstanding appropriations, it should be noticed that one small amount of unclaimed interest on the public debt, and another of unfunded debt, though chargeable on the Treasury, are not included. Embracing those, and the amount applicable, afterwards, to permanent appropriations, there would not be money enough in the Treasury to pay at once every claim outstanding; but, excluding them, it will be seen that the effective unexpended funds, on the 1st January, 1835, will be $5,586,232 34, to meet what will be required for the remaining and unexpended appropriations, being $5,141,964 27; or, in other words, that our *available* means then on hand to discharge all the old and existing claims on the Treasury, with the exceptions before named, will be about $444,268 07 more than their actual amount.

The next subject deserving consideration is the condition of

II. The Public Debt.

All the four and a half per cents., outstanding at the commencement of the present year, have been redeemed, except the sum of $443 25. Money sufficient to meet the whole balance was placed in the United States Bank and its branches, as commissioners of loans, in May last, and that portion not yet paid to the holders of the debt still remains in those depositories.

A part of the five per cent. stock, created in March, A. D. 1821, amounting to $4,712,060 29, was all of the 123 millions of debt existing in A. D. 1816, and of the subsequent additions to it which was left to be redeemed. It did not become payable till the 1st of January, 1835; but as there was sufficient money in the Treasury for the purpose, and it having been considered beneficial to the public to save, as far as practicable, all the accruing interest, early in July last, agents were employed by this Department to purchase, at par if possible, the whole of the remaining debt. Between that time and the 30th ultimo, the Department had succeeded in redeeming about $491,258 35 of it, and additional purchases are constantly making. In October last, the undersigned gave notice that the whole of this debt, unredeemed after the 1st of January next, would cease to bear interest, and would be promptly paid after that date, on application to the commissioners of loans in the several States. Under authority from the Commissioners of the Sinking Fund, this Department has since placed, and made arrangements to place, seasonably, in those offices, ample funds for the above purpose. Thus, before the close of the year, the whole will be either paid, or money provided to pay it; and the United States will present that happy, and probably, in modern times, unprecedented spectacle, of a people substantially free from the smallest portion of a public debt.

Considering these facts, it was deemed proper to charge the whole amount of the remaining debt to the expenditures of the present year. Interest on all not paid before the 30th ultimo has been computed till the 1st of January next, the time being so short; and the account for the payment of the public debt, during the year, will then stand as follows:

All the disbursements on account of the public debt during the year 1834 will be, as shown,		$6,161,017 46
Of which there will have been applied to principal	$5,964,774 93	
And to interest	196,242 53	

Making, together, the sum above mentioned.

The stocks which will have been redeemed by the application of this sum during the year are—

Of the residue of the exchanged 4½ per cent. stock, issued under the act of May 26, 1824	$1,252,625 90
The residue of the 5 per cent. stock, issued under the act of March 3, 1821	4,712,060 29
Certain portions of unfunded debt	38 74
And Treasury notes	50 00

Making, in all, the principal before named.

There is an unfunded debt of about		$37,733 05
Consisting of claims registered prior to 1798, for services and supplies during the revolutionary war, of about	$27,437 96	
Treasury notes issued during the last war	$5,975 00	
And Mississippi stock	4,320 09	

Nothing has been paid on any of these during the present year, except $88 74. But should the certificates ever be presented, which is not very probable as to many of them, the means undoubtedly will always exist for their payment at this Department.

III. The Estimates of the Public Revenue and Expenditures for the Year 1835—

Next require attention, and are as follows:

The receipts into the Treasury, from all sources, during the year 1835, are estimated at		$20,000,000 00
Viz:		
From customs	$16,000,000	
Public lands	3,500,000	
Bank dividends and miscellaneous receipts	500,000	
To which add the balance of the available funds in the Treasury on the 1st January, 1835, estimated at		5,586,232 34
And they make, together, the sum of		$25,586,232 34

The necessary appropriations for the year 1835, including those under new and permanent acts, are estimated at $15,660,232 73; but the whole expenditures for the service of that year are estimated to require the additional sum of $1,523,308 79, which has before been appropriated and mentioned as applicable to the wants of 1835 without a reappropriation, making, together - - - - $17,183,541 52

Viz:		
Civil, foreign intercourse, and miscellaneous items	$2,788,225 85	
Military service, &c., pensions, and the appropriations under the act of 7th of June, 1832	9,672,654 50	
Unclaimed interest on public debt	50,000 00	
Naval service and gradual improvement	4,672,661 17	
To this add as a contingent expenditure, about half of the amount of the average excess of appropriations beyond the estimates during the last three years		2,500,000 00
And they make the sum of		$19,683,541 52

Leaving an available balance in the Treasury at the close of the year 1835, or on the 1st of January, 1836, estimated at $5,902,690 82.

But should the whole amount of former appropriations, current and permanent, that will be outstanding on the 1st of January, 1835, and be needed to complete the services of former years, amounting, in all, as before shown, to the sum of $6,141,707 20, be actually called for during the year 1835, there would be an apparent deficiency in the Treasury on the 1st of January, 1836. It usually happens, however, that, of the new and the old appropriations, a sum of five or six millions remains uncalled for at the commencement of each year; and hence no real deficit is then anticipated, nor much, if any, excess after defraying all the expenditures then chargeable to the Treasury.

This estimate of receipts is formed on the supposition that the value of imports during the ensuing year, and especially of those paying duties, will not differ essentially from the average value during the last three years. Though our population has, within that period, probably, increased over one million, yet our manufactures and internal trade have probably increased nearly in an equal proportion; and this circumstance, coupled with the greater caution and frugality practised during the past year, and still continuing, will, it is believed, tend to prevent any considerable augmentation in the consumption or importation of foreign articles.

The imports during the year ending September 30, 1834, are estimated in value at $123,093,351, being, compared with the preceding year, an increase of $14,101,541. Those during the three past years have, on an average, been about $111,038,142.

The exports during the same year are estimated at $97,318,724, of which $74,444,429 were in domestic, and $22,874,295 in foreign products, being, compared with the preceding year, an increase of $6,655,321, of which $3,802,399 were in articles of domestic, and $2,852,922 in those of foreign products. The average exports during the last three years have been about $91,719,690, of which $69,407,976 are the average in articles of domestic products, and $22,311,714 in those of foreign.

It will thus be seen, that the imports of the last year varied in amount $12,055,209 from the average of the three past years, and those paying duties are believed to have varied much less. It is, therefore, in connexion with the reasons before named, considered safe to infer that the imports of the ensuing year may not differ materially from that average. Should they not so differ, the revenue from customs will probably correspond in substance with that of the past year, except so far as it may be changed by the whole amount of all the importations when compared with the above average; because the classes and value of articles paying duty, for aught which is known, will probably be similar, and the rate of duties on them will not, by existing laws, be essentially altered till the 31st December A. D. 1835.

The revenue from the sale of public lands has been estimated at half a million more than the amount it was estimated for the current year, and one million more than the amount for 1833. This estimate would have been made still larger, had not the sales of the Chickasaw lands, which will probably exceed half a million of dollars, been pledged by treaty to other purposes, and not to the general revenue of the Government. This large computation is founded on the facts of the progressive increase for some time evinced; the sum actually received during the past year; the great quantity of new and saleable lands coming into market; the enlarged demand for them to satisfy the necessary wants of our growing population and of the emigrants from Europe, and the high prices which their produce fortunately obtains both at home and abroad.

The revenue from bank dividends has been estimated at somewhat less than heretofore, in consequence of the sales of our bank stock, under the act of July 10, 1832, for the investment of the accruing income of the navy pension and hospital funds having already amounted to $656,600, and on which the Treasury can now receive no dividends applicable to general purposes. It might, perhaps, be advisable to deduct a still further sum to meet any contingency like that of the present year, in which the United States Bank, without the consent of this Department, or the sanction of Congress, and without any forewarning of its intention, seized on about $170,041 of the estimated revenue from this source, and has since withheld it from the public Treasury.

Copies of the opinions of the Attorney General, and the whole correspondence on this subject between the Department and the bank, which took place previously to the request for these opinions, are annexed for the consideration and action of Congress, [B.] It may be proper to add that, within a few days past, a new communication in relation to this transaction has been received from the bank, and, when a reply is finished, both will be submitted, if desired. No foundation appears to have existed in *law* or *equity*, for the great claim of damages made by the bank on account of the protest of what has been called, in common parlance, the bill of exchange drawn on the French Government by this Department. It is believed that the bill, when protested, ought, by our agents abroad, had they acted with due regard towards their principal, to have been taken up for the credit of that principal, which was the United States, rather than for the credit of the bank; or, at the farthest, if similar and conflicting relations existed between them and the bank, they should have pursued the equitable course of taking it up for the credit of both the United States and the bank, or the more liberal one of giving the prefernce to the Government, which was the drawer; and, in either of these events, no room for difficulty by this extraordinary claim would probably have been left. But as these agents preferred a different course, thereby justly impairing the further confidence of the Government in their discretion, it would seem that the bank, in the next place, having long been the general fiscal agent of the Government, and the primary one in importance, should have returned the bill, and made no charge against its principal, the United States, except for the actual advances and the actual costs and expenses it had incurred in the transaction. The actual advances by the bank, when the bill was originally received, had only been a matter of form, and were nothing.

The money, in fact, never belonged to this Department, except in trust for the merchants, or their widows and orphans who had suffered by French spoliations; and a sum exceeding the whole amount of it having been left in the bank and its branches, and no part of the money having ever been brought into the Treasury by warrant, it was, immediately on notice of the protest, restored in form, and a willingness was expressed to make remuneration to the bank for all reasonable costs and expenses.

But the temptation of an opportunity to obtain more from its principal, by a novel species of litigation, through a virtual judicial prosecution for damages against the Government of the Union, seems to have been too strong for resistance; and the bank concluded to depart from the above equitable rule, and, by some technical regulation of strict law between individuals, to attempt to procure a large sum, as mere constructive damages; and by the extraordinary mode of seizing on the dividends, which had been declared by the bank itself to belong to the United States, and of withholding them to abide the ordinary contingencies of a law-suit. It seems to have preferred this unprecedented course rather than to pursue the usual mode of a petition addressed to the justice of Congress, though Congress is well known to be the customary and only tribunal for adjusting controverted claims against the Government, when no suit is pending by the United States, and the only tribunal which, under the constitution, is empowered to appropriate money to discharge any claim whatever. After applying to this Department, and being, so long as a year ago last June, informed of its inability to admit, or authority to discharge, the damages demanded, it is remarkable that the bank should have continued to pay over the accruing dividends, and not till after the last session closed, and when any deficiency in the current revenue could not be provided for, should, without any prior application to Congress, have resorted so this unusual proceeding, and sought to have its claim against the United States adjudicated by the judiciary, when the United States are not amenable to any citizen or corporation, high or low, before the judiciary, for the decision of any claim, unless they have, of their own accord, been pleased to resort to that tribunal, by a previous action against a debtor; and in which event only is a set-off, under certain limitations, authorized to be pleaded as either equitable or legal. But here the United States had instituted no such action against the bank, and had no intention or foundation to institute one, and yet the bank, not in the case provided in the charter where dividends might be withheld, but by an unfaithful act as an agent, and as a public corporation, towards its principal and the community, proceeded to seize their dividends in a case entirely different and most questionable, in equity as well as law, and refused to fulfil the duty imposed by its charter, and by civil and moral obligations, of paying over those dividends promptly to the Treasury. In the adoption of this reprehensible course, an attempt is made to force the Government either to lose their dividends entirely, or to pay a controverted claim for damages, which, so far as any of its departments or officers have examined it, was found, and pronounced to be, groundless; or consent to let the United States be arraigned as a debtor, and compelled to submit the claim to decision before a branch of their own Government, to which such claims are not ordinarily submitted, and to whose decision it could not be referred, in this instance, but by the previous commission, on the part of the bank, of a deliberate violation of its obligations.

The further attempt appears to be made, in this way, to take from Congress and the Executive the constitutional power, on their high official responsibilities and deep sense of duty, to make or withhold appropriations to discharge all controverted demands against the United States, and to enable the judiciary, instead of them, indirectly and unconstitutionally to make these appropriations, in all cases of citizens or corporations who possess doubtful claims, and are unscrupulous enough to commit, in order to prevent their adjudication by Congress, a deliberate attack on the property of the United States, or a deliberate sequestration of their acknowledged dues.

For further and more detailed views on this extraordinary case, a reference is made to the whole correspondence and opinions annexed, without the discussion of any course which the power and the wisdom of Congress are able to select for evincing its opinions on this outrage, whether by withdrawing indulgencies from the bank as to the receipt of its notes for public dues, or by adopting some other measure on the subject, which the nature of the transaction, the rights of the United States, and the constitutional authority of Congress, may be thought to justify and demand. Believing that a similar seizure was not likely to be repeated by the bank in 1835, under the other pretence of satisfying claims for damages, in consequence of the removal of the deposites, as set up in its second letter, this Department has estimated the probable revenue the ensuing year from this source, at the usual rate of dividends lately made on all our stock in the bank, remaining after the sales which have taken place for the investment of the navy pension and hospital funds. But should Congress, on a full examination of the subject, think otherwise, it may be provident to supply some other equivalent for this portion of the estimated receipts.

The estimate of revenue from miscellaneous sources has been computed a little below the actual receipts of the current year, because the dividends applicable to general purposes will be on a less amount of bank stock, and the anticipated sales of such stock to meet the further wants of the beforementioned funds, will be much reduced. In this explanation of the estimate of the receipts during the coming year, it is hoped that satisfactory reasons have been assigned to show its general accuracy. This estimate being one and a half million larger than that of last year, it is more likely to exceed, than, like that, to fall short of the actual result. That estimate proved to be less than the actual receipts, probably about $2,000,000, or from customs about $1,200,000; from lands nearly $800,000; and the residue chiefly from larger sales of bank stock, as before named, than was anticipated. As the first deduction of 10 per cent. from the excess of duties on goods imported, and paying over 20 per cent. *ad valorem*, took effect on the 31st of December last, it was not practicable to fix before hand, with much certainty, the amount of the diminution, on account of it, from the revenue of the year, as the same value of merchandise might not be imported as in any previous year which should be selected for a guide in forming the estimates, and the particular kinds of merchandise thus imported, whether free, or paying a duty, might greatly fluctuate. To these uncertainties in the whole value and in the kinds of goods imported, were to be added the circumstances that the system of reduction going into operation was almost entirely new in practice, and that the cash duties substituted for credit, on some articles, tended to render former means of calculation still more inapplicable and doubtful.

It is hoped that, as the ensuing year is exposed chiefly to only one of these sources of uncertainty, which is the whole value of dutiable goods imported, the estimate made for the income from customs will not vary essentially from the amount of receipts which time may prove to be correct.

In relation to the excess of revenue received from lands over the estimate made for 1834, the amount from that source happened to be unprecedented; and, as full returns of the very large sales in December, 1833, had not then been received, it was entirely unexpected. But the actual excess, this year, though not so large as in the previous one, coupled with circumstances before named, has induced the Department to submit a larger estimate under this head than has heretofore been made.

The estimates for the expenditures of the ensuing year have been graduated and modified by the following circumstances: The actual expenditures for the year 1833 did not differ much from the expectations expressed concerning them in the last annual report, except that the residue of the four and a half per cent. stocks, although charged to 1833, was not, in fact, all reimbursed, or the money paid to the commissioners of loans for that purpose, within that year, but only $13,198 of them were redeemed in the residue of 1833. Between the 1st of January and May, 1834, about $497,697 more were redeemed, and afterwards the sum of $759,271 was advanced to the commissioners of loans to meet the balance, which was then outstanding. Partly from this cause, therefore, reducing the actual expenditure in the fourth quarter of 1833 about a million below the estimate, and partly from an increase in the revenue of nearly two millions beyond the estimate of that quarter, from causes before enumerated, the actual *available* amount in the Treasury on the 1st of January, 1834, was greater than the estimate—having been $10,302,905, instead of the estimated sum of $7,983,790. The expenditures in 1834, on account of the public debt, thus became increased beyond the estimate about $1,256,968. Another source of expenditure, increased during the past year beyond the estimate, was the sum of $75,407 for interest on the public debt, which had before been unclaimed, but which has since been demanded, and discharged; and to meet which, probably from adhering to the usage of former years, or from an impression it would remain uncalled for, no money had been specifically set aside, nor any charge made, to the expected expenditure of the year. Besides these unexpected calls during the present year, the appropriations in money, by new acts of Congress, and by former permanent acts still in force, have been computed to be about $21,000,000.

These constituted a new burden, in addition to a balance of public debt which remained to be paid, amounting to about six millions, and a balance of old appropriations liable to be called for, amounting to about five millions more. The whole appropriations, thus chargeable for expenditures to the year, did not vary much from thirty-one millions of dollars in money, besides a number of grants of land, of considerable extent and value, that were voted by Congress.

Having presented this explanation of the principal expenditures which have been charged to the present year, and defrayed to the extent required, a basis has been laid for showing the reasons upon which this Department has proceeded to reduce its estimates for new appropriations for expenditure for the ensuing year, to the extent of about six and a third millions of dollars, below those of last year. This is about one and a third million less, independent of the amount then estimated to be needed towards the discharge of the public debt.

In that sum of new appropriations, amounting to about $21,000,000, there was no permanent charge that has been deemed likely to be much lessened for the ensuing year, such as the arming of the militia, and the gradual improvement of the navy. Nor, in the opinion of this Department, will the great objects for expenditure, of a character general and somewhat fixed, such as those usually connected with civil and foreign purposes, the navy and army, including works classed as internal improvements, Indians, and pensions, admit immediately of so great diminution in number or amount as might be desired, and is hereafter expected. But as large a reduction as practicable, without injury to the public interests and a neglect of important duties, has been made in the estimated expenditures for each of them, being, in all, after allowing a small increase in some, about one and a third million of dollars.

It is anticipated that, with the valuable improvements of late years in steam, and the great advantages in using these improvements for harbor and maritime defence, some of the fortifications, originally contemplated may hereafter be wholly dispensed with, or be built on a different and reduced scale; and though it is thought that only about two millions can, the following year, be prudently retrenched from the expenditures connected with fortifications and harbors, Indians, and pensions, yet it is manifest that very soon the amount required for those public purposes must, by the completion of the most necessary defences, by the extinguishment of most of the titles of the Indians, and the removal of that unfortunate race beyond the Mississippi, and by the rapid march of death among pensioners, and the detection of numerous frauds among their professed agents, become still more diminished; and as our impost duties will be further reduced by the operations of the act of March, 1833, the reduction both in revenue and in expenditure for these great objects will, therefore, happily and conveniently, for a time, be likely very near to correspond. A more fixed amount for the ordinary peace establishment of the army, and some other expenditures connected with the executive, legislative, and judicial departments, would, like what now exists with greater precision and uniformity in the expenses of the navy, be a great desideratum in the permanent adjustment of our revenue system, and would tend, in many important respects, to useful retrenchment. The gradual increase required in some classes of expenditure, by the gradual increase of our population and wealth, and of those public establishments which fluctuate with them, such as some parts of the judiciary, the legislative, and executive, could then be accurately foreseen and provided for, while any extraordinary and unexpected enlargement in expenses would then excite inquiry, and, unless resting on clear and extraordinary causes, would justify opposition: when so resting, they would be met by the public cheerfully, by means of increased taxes and revenue. Another important circumstance deserves consideration in explanation of the new and contingent item of $2,500,000, now first added to the estimates for the ensuing year. It has been ascertained, by careful scrutiny and comparison, that much of the great expenditures of the last four years, besides the payment of the debt, has arisen from appropriations by Congress to a larger amount, under particular heads, than the general estimates for the year submitted by the Treasury, and from large appropriations to objects not specifically included in any estimates.

To illustrate this, an abstract of a table of the general estimates, appropriations, and expenditures during the past two years, and of all these, but the expenditures during the past three years, has been prepared, and is submitted, showing a difference between the estimates and appropriations, independent of the public debt, in 1832, of between five and six millions, in 1833, of nearly five millions, and, in 1834, of about three millions. (C.)

The largest portion of this great increase, amounting, in the first two years, from one-fourth to one-third of the whole appropriations, it will be seen, is under the civil and miscellaneous heads, and under items classed with the military establishment, such as harbors improved, pensions, &c. For the information of the public, on a comparison deemed so very important, it is proposed to publish the detailed table from which this is compiled, and a similar one hereafter, appended to the annual exhibit of the receipts and expenditures. Should this practice of making appropriations so greatly exceeding the estimates be continued by Congress, it will not only prevent much reduction, particularly under the miscellaneous head, but it will be necessary to provide for the consequences of it by an augmented revenue proportionate to these demands, or by a larger regular surplus in the Treasury to meet such unexpected increases of appropriations. It must be manifest that it is not in the power of this Department to foresee and compute these increases with any degree of accuracy, as, with the exception of some subsequent estimates submitted after the annual ones, they depend almost wholly, in their inception, on the pleasure and discretion of Congress; and as they consist chiefly of miscellaneous public objects, and private grants for almost numberless causes, they may vary greatly in different years. But it might be unfaithfulness in the undersigned towards both Congress and the public, since the extent of the influence of this excess on the expenditures, though always something, has been ascertained to be very large during the last three years, not to bring it distinctly to their notice, and not to submit a contingent item in the estimates for the purpose of covering it. Whether that which the Department has now offered, reduced, as it is, nearly one-half from the average of the actual excesses during the three past years, will prove correct or not, and whether the diminished estimates under some other heads will correspond or not with the actual amount of appropriations that may be made, and with our anticipated means to meet them, will depend much on the caution and policy Congress may deem proper to use in restricting appropriations more nearly within the estimates presented. On the presumption that they may be more restricted than heretofore, only the addition before mentioned has, on this account, been made to the whole estimated expenditures for the ensuing year.

A reduction so much lower than the late actual average excesses, is supposed to be justified from two leading considerations. One of them is the circumstance that, during a short session of Congress, which now occurs, fewer bills of a miscellaneous character can generally be well examined and passed than during a long session. Another is, that, as our revenue diminishes, it is probable that greater vigilance will be exercised by all in the allowance of very ancient and almost obsolete private claims, or of claims very doubtful in character as to either facts or principles, and in making further appropriations to some objects of public importance, which have already received liberal attention, and which, from their nature, must be expected to diminish rather than increase in their demands on the public Treasury. Thus, in regard to light-houses, custom-houses, marine hospitals, &c., not to enumerate various objects connected with internal improvement and public expenditure within the District of Columbia, it is manifest that the sums appropriated for some years past, can be safely and judiciously diminished in several respects, and in others almost entirely discontinued.

If this be done, as it doubtless will be, with discrimination and judgment, though some new objects will have to be added, and increases in some old ones computed, yet it is probable that the saving in expense to the public will not only be considerable, but, at the same time, no object of a really commercial character, and of national magnitude, need be neglected, nor any power exercised and treasure expended in those doubtful cases of constitutional right in the General Government, which tend to alienate brethren of the same political family, and to perpetuate excitements unfavorable to useful legislation, and, in some degree, dangerous to our Union. It has been further considered, in the estimates and reductions for the ensuing year, that our whole expenditure on account of the public debt has, in one sense, ceased, either by completing the payment of it, or by a deposite of money with the commissioner of loans, or a readiness of it in the Treasury, sufficient to pay all which remains whenever the holders choose to receive it. But, though all the principal and interest necessary for this object will, before the year closes, have been placed in the bank and its branches, as commissioners of loans, yet the practice is to require the interest, if not called for seasonably, to be, after a certain period, returned to the Treasury, and the principal only to be retained by the bank till otherwise directed by the commissioners of the sinking fund, or by Congress. The unclaimed interest, after having been once paid out of the Treasury and returned, does not, at this time, exceed $261,938, or the money ready there for its discharge, after meeting all the outstanding current appropriations. Under this practice, it will be seen that its payment must constitute some annual charge on the Treasury till the whole is actually adjusted; and, consequently, $50,000 for that purpose have been included in the estimated expenditure of the ensuing year. This will probably be nearly all the demands of any kind for the public debt, in any form, which will then be made on the Treasury, or the sinking fund. The rest of the sinking fund, if not abolished by Congress, could hereafter be applied to general purposes.

In substantial conformity to the proposition made last year by this Department, it would now seem still more imperative on Congress to provide that the money, whether principal or interest, drawn from the Treasury, and placed in the bank and its branches, as commissioners of loans, and which shall not be called for by the public creditors before the close of the ensuing year, should be repaid into the Treasury, and held, under notice to creditors to receive it there; that, thereafter, the office of commissioner of loans be abolished, the duties of the commissioners of the sinking fund, and the provisions as to the fund itself, suspended, and such power devolved on this Department, as may be necessary to a settlement of that part of the debt which may not then have been demanded; and as the bank charter soon thereafter expires, to provide, further, that the books and other papers connected with the public debt should be returned and deposited here, to enable the Treasury to guard against mistakes and frauds. The whole amount unclaimed, in possession of the bank, on account of the public debt, has been reduced to $282,333, and though about to be augmented by the transfer of a sufficient sum to meet the whole residue of the outstanding debt, it will probably not remain much larger at the close of the ensuing year.

With a little legislation of this kind, every thing will be done by Congress which is deemed necessary to close up, it is hoped forever, all the once large public debt of these United States. By the payment of the whole of it, with punctuality and fidelity, it is gratifying to reflect that our public credit as a nation has been raised to a high standing, and a large stock of confidence acquired from others, which, in such future exigencies as are likely to happen, sooner or later, in all countries, will aid us to procure ample and seasonable loans, without ruinous discounts or delays.

In pursuing this honorable course, the Government of the Union has not only shown good faith abroad to its foreign friends and allies, those who lent assistance when most needed, but it has redeemed, whether at home or abroad, the entire debt of both the Revolution and the late war; paid the purchase money for Florida and Louisiana; and, with a most scrupulous sense of moral as well as political obligation, administered, in various ways, to the wants, and atoned for many of the losses, of those who perilled life and fortune in the struggle for independence, in which our public debt had its sacred origin. It is an additional source of gratification that this has been effected without imposing heavy burdens on the people, or leaving their Treasury empty, trade languishing, and industry paralyzed; but, on the contrary, with almost every great interest of society flourishing, with taxes reduced, a surplus of money on hand, valuable stocks and extensive lands still owned by the Government, and with such other various financial resources at command, as to give to our country in this respect a very enviable superiority.

When it is considered that this has been effected by a young, and, at first, not very numerous people, within about half a century, and who, during the same period, have provided such other and ample means to sustain their useful systems of government, and to build up great and prosperous communities, we may well be proud of the illustration our country affords of the financial ability of free institutions, and of the high destinies in various respects, not appropriately noticeable on this occasion, but which may await our preservation of these institutions in their original vigor, purity, and republican simplicity.

From the views before taken of the probable wants during the ensuing year for expenditures, and of the probable receipts to meet them, it has been stated that on the 1st of January, 1836, it was estimated that there will remain a surplus of available funds of about $5,900,690 82. This result has been attained by considering the unavailable portion of our funds then and now on hand at the reduced sum of only about $1,150,000, instead of $1,400,000, as heretofore reported. But it may be desirable to Congress to know that there is a prospect, during the ensuing year, of collecting some further portion of these funds. This will be accomplished, it is anticipated, by the appointment of some more active agents, by new compromises, and by more rigorous requirements in collections where property exists, so as to reduce further the whole amount from $50,000 to $100,000; and if this hope be realized, the above-named available balance will, to that extent, be increased. A minute analysis and examination of these unavailable funds have recently been completed, and will be submitted in the supplemental reports soon to be laid before Congress, on the present mode of keeping and disbursing the public revenue. But, on the other hand, enlarged somewhat as this balance may happen to be from any causes, it should be remembered that, on the 31st day of December, 1835, another reduction of 10 per cent. must, by the existing laws, be made from a part of the present tariff; and if the surplus in the Treasury, by a year from next January, should prove to be increased to two millions, it could not with safety be regarded as too great for meeting, with a reduced rate of imposts on importations, the probable wants of A. D. 1836. At all events, such is the uncertainty on that subject at this distance of time, that though something unusual in the latter part of A. D. 1836, may, in the way of final dividends on our portion of the capital of the bank stock, be received, yet it is not now possible to foresee the contingencies that may check either the present large importations of merchandise on large sales of land, and consequently reduce the revenue derived from them; or that may require an increase in our army or navy expenditures, arising from those unfortunate collisions to which all nations are liable that feel disposed to sustain the faith of treaties, vindicate their public rights, and protect efficiently their commerce and citizens. No further reduction of the tariff, until that already provided for at the close of the ensuing year, would, therefore, seem to be prudent.

The reduction or increase of the tariff is now referred to with a view to revenue alone, and not with a view to questions so much agitated heretofore, of protection, countervailing regulations, and the proper national policy to be pursued as to the imported luxuries and necessaries of life. On those points, it is considered far better for the real manufacturers themselves, not engaged in mere speculative investments, as well as for commerce, agriculture, and revenue, that a policy should be selected, not unjust to either great interest or either great section of the Union, and, when once established, that frequent changes should be avoided, and the occasional increase or reduction of revenue, which may sometimes become proper for financial purposes, should be connected with articles wholly detached from the question of protection to manufactures. The tariff, as to these troublesome points, is regarded as now adjusted by the act of March, 1833, till the year 1842, A. D., except in respect to such new regulations as may be required from time to time for the due enforcement of the spirit of that act, or such other changes as new occurrences may satisfy the great mass of the community, are rendered proper for earlier modifications, without a departure from the spirit of the compromise then intended among the friends of free trade and of high protection.

A separate report on certain subjects relating to the due enforcement of the present tariff being in preparation, only one of them will now be adverted to. It is the evasion of the present duty on silks from beyond the Cape of Good Hope, by their being first landed, and occasionally recolored or restamped in Europe before imported into this country. In this way, and by the present discrimination in favor of European silks, the revenue loses a very large amount. As some illustration of the loss by such discriminations, the recent one in favor of the French silks alone amounted to over $300,000 a year, and that now in favor of French wines amounts to nearly $200,000 more, making a loss of over half a million a year on these two articles with only one nation. But while on the other points, independent of the spirit of the compromise of 1833, legislation may be regarded as still fairly open, it certainly ought not to be attempted on so delicate and difficult a subject, unless imperative cases for it shall occur, whether combined or not with any increase or reduction of the tariff that may become necessary, as a mere question of revenue, by the actual condition of our receipts and expenditures. So far from any increase being necessary at present, or prospectively, the balance now on hand in the Treasury, and the accruing revenue under existing laws, will, in the opinion of the Department, prove amply sufficient to answer all ordinary demands, and, united with our other resources, to answer any unexpected demands of no very extraordinary amount.

As appears by the documents annexed, [D,] the Government has about $6,343,400 subject to general use, invested in the United States Bank stock, and the sum of $1,882,500 invested in different canal stocks; and the proceeds of the sales of which, if authorized in any unexpected deficiency, would, in most cases, prove amply sufficient without any resort to an increased tariff.

On the contrary, neither of the available balances estimated to be on hand in 1835 or 1836, after deducting what will be wanted for outstanding appropriations, can probably exceed a million. Should the surplus, without that deduction, prove to be about six millions, as estimated, the undersigned respectfully submits that it will require no legislation, as that amount has been about the usual average balance retained on hand for many years—a balance that has furnished great facilities in meeting all claims, even at the remotest points, with punctuality and good faith; afforded much stability and elevation to our public credit, by providing seasonably the means for a punctilious fulfilment of contracts; and yielded so great security against sudden evils of every kind in financial affairs as to render one of near that amount provident and economical; and especially so at this moment, when any surplus which may exist will accrue under a permanent compromise of the tariff, that contains within itself a provision to reduce still further the duties, and undoubtedly the whole amount of our revenue, after the close of the coming year.

It is a source of sincere congratulation, that, from the general prosperity of our commerce, and from the peace, industry, and abundance, which so widely prevail over our fortunate country under its admirable institutions, researches are obliged to be directed rather to the due reduction or disposition of any occasional surplus that may happen to exist in the Treasury, than to obtain sufficient for public purposes by taxation and other burdens. But under our altered system as to duties and the public debt, it will be prudent to calculate that deficiencies as well as surpluses may happen oftener than formerly. In the opinion of the undersigned, however, neither can be soon anticipated so as to require immediate legislation. But should Congress think differently, no harm could arise from vesting a power in the Treasury Department, in case of an unexpected deficiency occurring in the revenue from any cause whatever, to sell such portions of our public stocks as may be necessary to supply the public wants growing out of actual appropriations. In a contingency of that kind, against which, in the present system of our revenue, and without a large ordinary surplus, to be applied as it can be spared or not for the payment of a public debt, in the manner heretofore practised, it is difficult to guard effectually against not only the occurrence of a deficiency, but its usual evils, a delay, if not greas embarrassment and injury to public creditors, and a violation of our plighted faith.

At the same time, it might be expedient to provide, that, whenever the collections of the revenue permanently authorized, should prove to be in an excess not immediately needed or useful as a proper surplus in the Treasury, the Department should either obtain interest for it of the banks where the largest amounts are long deposited, or invest it temporarily in some safe stocks till needed, or till the tariff is again changed. This would probably secure a due interest on it, while retained, instead of the present and past modes of obtaining interest on any occasional surplus, by applying it, in discharge of the public debt, and which mode, since the payment of the latter, can no longer be pursued.

Should facts occur which appear to require legislation, such an arrangement, like a regulator in some large or complicated machinery, remedying any occasional irregularities, might operate more beneficially, as to any considerable excess or deficiency, than yearly changes of the tariff, made to meet yearly vibrations in our revenue, or to meet yearly reductions or augmentations in our expenditures.

This subject of interest from the deposite banks, at some rate, and under some circumstances, was adverted to in a report by a committee in one House of Congress the last session, and would at this time be more fully examined, in connexion with that report, and the subsequent intimation of the United States Bank of its claim for damages on account of the late removal of the deposites, connected, it is apprehended, with the idea of a profit or interest derived from them, were it supposed that either point could, in the present condition of things, be considered of any practical importance. But the balance of money at present on hand, as before remarked, is merely the usual and convenient amount for current fiscal operations, and most of it is liable, at any moment, to be withdrawn to meet existing appropriations.

While the intimation of the bank, resting, as it probably must, on an impression that the *bonus* was paid instead of interest on the public deposites is not believed to be supported by the language or spirit of the charter, which required the bonus "for the exclusive privileges and benefits conferred by this act on the bank," and which exclusive favors, whether termed privileges or benefits, consisted principally in the sole right of banking for twenty years, and for which alone Mr. Madison, in his veto of 1815, and Mr. Dallas, in his letter of December 24, 1815, thought that a bonus should be paid to the Government; the latter further observed, that, "independent of the bonus here proposed to be exacted, there are undoubtedly many public advantages to be drawn from the establishment of a National Bank, but they are generally of an incidental kind, and, as in the case of deposites and distribution of the revenue, may be regarded in the light of equivalents, not for the monopoly of the charter, but for the reciprocal advantages of a fiscal connexion with the Government."

If the reasons should ever be presented to this Department, in support of the late intimation of a demand for damages for the removal of the deposites, in a case where the bonus was claimed and paid on the above grounds, and where the right to remove the deposites was expressly reserved in the charter to the officer removing them, it will then probably be in season to enter more fully into this collateral question. Or should the balance in the possession of the State banks at any time become much larger than the current demands existing against the Treasury, it will, if Congress do not earlier think proper to act on it prospectively, nor to authorize any temporary investment of it, be then considered necessary and proper for this Department to examine in what cases, and under what circumstances, on what surpluses, and at what rate, interest could equitably be demanded, in addition to the useful duties performed by the selected banks in behalf of the Treasury.

On these points, however, it is hoped that this Department will not be understood as recommending that taxes should ever be imposed with a view to permit a large surplus any more than a deficiency to occur; but that, when the former unexpectedly and unintentionally happens, an income should be realized from it, by interest or an investment, until, at the end of every few years, a thorough revision of the tariff would, in the pursuit of this policy, be made, and so graduated, as during the next succeeding term to be likely to correct any great irregularities, whether excesses or deficiencies, that had happened during the preceding term, and to lead to the sale and use of any interest or investments which in the mean time had accumulated.

Those other questions naturally connected with the present deposite banks, and, indeed, with our whole existing system of finance, so far as regards the keeping and disbursing the public money, might here be appropriately considered. Yet, without any desire to avoid, but rather from a wish to submit that full and frank discussion of them which their acknowledged importance and the exciting interest in them demand from the fiscal department of the Government, they will be postponed to a separate supplemental report, which will be confined exclusively to their consideration, and will soon be presented to Congress.

It appears to the undersigned that a change in the commencement of the fiscal year, and of the time at which the annual appropriations begin, would be a great improvement in the financial operations of the Government. If the year was to commence after the last day of March instead of September, and the annual appropriations begin from the same date, many delays and embarrassments could be avoided, and the information on the condition of the receipts and expenditures of the previous year, to be laid before Congress each session, could be much more full and accurate upon the subject of the new coinage of gold, and the operation of the acts of the last session relating to it, and the value and tender of foreign coins, this Department does not, until further experience is had, contemplate offering many recommendations for new legislation. A particular suggestion, deemed proper, is, that the one dollar gold coin, originally embraced in the late act, should be authorized.

If found on trial to be convenient, as small gold coins have been found, (some of less and some of little larger amount in Portugal, Russia, Spain, Turkey, and Switzerland,) it does not seem to comport with the interest and welfare of the community to prevent here its coinage and circulation; and if not found on trial to be useful, the sagacity of self-interest will soon lead to the abandonment of its coinage by making no demand for it. Thus the community can in no event sustain much if any injury from it, while the facilities of the public, by having a coin of either metal, (gold or silver,) as small as one dollar, may be greatly increased. This kind of legislation, with a view to provide a full supply and variety of coin, instead of bills below five and ten dollars, is particularly conducive to the security of the poor and middling classes, who, as they own but little in, and profit but little by banks, should be subjected to as small risk as practicable by their bills.

The wealthy and commercial, for whose benefit, chiefly, banks are instituted, will then chiefly use their bills, and suffer by them if forged or depreciated; while the laboring classes and men of small means will, by the justice and paternal care of the Government, generally be provided with a currency of hard money, not exposed to any risk of failures, and to be used for all dealings of such an amount as their daily or weekly wants may in most cases require.

The new coinage has as yet been confined principally to the half and quarter eagles, and has equalled, in all, about $3,114,090, or in four months, more than four times the annual average coinage of gold for many years past.

The demand for other coins has also been promptly met throughout the year. To aid in carrying the new law into efficient operation, this Department, last August, placed in the hands of the Director of the Mint, under the act of April 2, 1792, twenty thousand dollars, and ten thousand more in September, as it was needed, and could be, without inconvenience, spared from the Treasury. By this course many have been enabled at once to realize funds from their deposite of bullion or coin, and the Mint to continue its operations unterruptedly, and to supply promptly, when desired, coins already prepared for circulation.

The strong disposition of the public to use the new coinage has been observed with pleasure; and the liberal aid of many of the deposite banks in assisting to increase its circulation has proved very useful, and deserves commendation. As the new coinage commenced nearly in the middle of the year, and the date, till next January, could not by law be altered so as to distinguish the new from the old coin, such other alterations were adopted by the Director of the Mint as the law permitted, and as were calculated to aid the community in readily discriminating between them. After the next year begins, the new date alone will enable the public to distinguish the new coins; and such modifications only will be made in the former emblems as taste and convenience may, in the opinion of the Director, and without an omission of any thing required by Congress, appear to demand. His report, which it is expected will soon be received and presented, will probably furnish every further particular connected with the concerns of the Mint that may be interesting. But it is considered proper to invite the attention of Congress to a change in the law respecting the organization of the Mint establishment, so as hereafter to prevent its operations in refining and coining for others from being a tax on the Treasury, and any longer swelling the large amount of our annual expenditures. This could easily be effected by imposing a duty or seignorage of about one per cent. on the prompt coinage of silver, and one-fourth per cent. on that of gold; the present coinage of copper now defraying its own expense. This would be no more burdensome to the persons holding bullion than the delay now allowed for the recoinage; and which delay of forty days, [or one-half per cent. discount if delivered in five days,] and consequent loss of interest, could, with such a seignorage, and the advances now authorized from the Treasury, be, without inconvenience, reduced to eight or ten days, and the whole establishment be thus sustained by its own earnings, without much, if any, increased cost to either individuals or the public. But, in such case, if the cost should ever be increased to individuals, some additional inducement will be held out to prevent either the exportation or melting of our coin, which have been so great, before the late change in the law, as to have left in deposite and circulation, in this country, an amount of it not exceeding that struck in two or three out of the forty years during which the Mint has been in operation. The expenses and labors of the Mint, equalling, on an average, about $20,000 a year, or $800,000 in all, excluding buildings, have thus, except for about two years, been entirely lost to the country.

It has been deemed desirable to attempt some improvements in the revenue cutter service. With such a view, all its regulations have been revised and republished. By those it has been endeavored to promote the cause of temperance, and thereby to increase the health and efficiency of the crews, and the safety of the public property and public interests in this branch of service, by holding out a similar inducement to that now existing in the navy, to discontinue the use of spirits on shipboard. Greater security has been provided for the prompt payment of their wages, and for official accountability. It has further been deemed expedient not only to stop any contemplated increase in the cutters, but to reduce the number of them, and of the persons employed in this service, as rapidly as the diminished temptation to smuggling will safely permit.

By several resolutions, appropriations, and acts of Congress, at the last and previous sessions, a variety of other subjects, not yet reported on, has been confided to the attention of this Department, such as the erection of a number of custom-houses; the building of a bridge over the Potomac river in this District; a compromise of the suits pending against the firm of T. H. Smith and Son; an opinion on the validity of some private land titles in Missouri; a report on certain provisions in the tariff act of July 14, 1832; some statements as to the marine hospital money; a reorganization of the Treasury Department; and a revision of the subject of salaries and fees to custom-house officers. These have received careful attention, and will form the subjects of separate reports to Congress early in the present session. In the report on the last of them, it is contemplated to offer such suggestions, by way of addition to this communication, as are appropriately connected with that inquiry, and as would have been otherwise mentioned here in respect to some changes deemed suitable in the whole amount of compensation to various custom-house officers, and in the number of such officers at various ports, and in relation to other changes in the system, which the great alterations in the existing duties seem to indicate, as required for sound economy and the public convenience. A few remarks concerning hospital money will also be postponed, and annexed to the statement requested in relation to that subject.

In the preparation of new weights and measures on the authority given in the act of 2d of March, 1799, and on the principles set forth in a report from this Department, of June 20, 1832, coupled with the provision on this subject in the constitution, some progress has been made since the date of that report. But the difficulty in procuring the most suitable materials from abroad has retarded the completion of the work, and the present engagements of the distinguished gentleman specially employed to superintend the business, and which engross most of his time in a survey of the coast, may, with the circumstance before named, prevent the final accomplishment of this desirable object another year. But it is hoped, that then, either at the arsenal in this city, or at the Mint, the most natural and appropriate place, the new weights and measures will be satisfactorily finished, and greater uniformity and accuracy attained on a subject in which, both as to revenue and commerce, it is much needed, and will prove eminently useful to the public.

The survey of the coast before alluded to has, since the last annual report, been transferred to the charge of the Navy Department, with which it seems to be more intimately and appropriately connected. With this survey, the situation and utility of our present light-houses, already being 199 in number, besides 29 light-boats, and the necessity for others from time to time, would seem to be in some degree fitly associated. As a measure likely to lead to economy in not extending the establishment of light-houses beyond the real wants of the country, and in fixing their exact locality, so important to the safety of our navigation and navy, it is respectfully recommended, that in the survey now in progress, Congress should require the latitude and longitude of every light-house to be carefully ascertained and published; the importance of its position to be inquired into; and that no new one be hereafter erected till a report is made in respect to its public benefits by the two collectors and the commander of the navy yard nearest the proposed site.

The rebuilding of the Treasury edifice on or near its former location, with the dimensions of the building enlarged so as to meet the wants of the Department, and rendered fire-proof for the security of its papers, seems indispensable to its convenient operations, and to the safety of some of the most valuable records connected with the public archives.

The report from the Commissioner of the General Land Office is annexed, [E.] Many of its suggestions are highly important, and some of the recommendations, as to changes in this branch of the collection of the public money, are respectfully though earnestly urged on the consideration of Congress.

The Indian titles having of late years been more extensively extinguished, the quantity of valuable lands brought into market has increased in amount, so as to place in the Treasury over three millions annually, instead of about one million, as was the case twenty years ago. Within the same period the land offices have been augmented in number from about eighteen to fifty-three, in actual operation in 1834.

These circumstances have added much to the business of that bureau, and should clearly lead to a corresponding increase in its clerks, or a separation from it of some of its present laborious duties, as the diminution in other business in some other bureaus might lead to reductions in the number of their clerks to the extent proposed in the plan soon to be submitted, on the reorganization of the Treasury Department. Attempts have been made during the past year, with some success, to simplify the mode of making entries in the General Land Office of the sales effected; some difficult and long delayed questions of accounts have been decided, greater local accommodations and facilities furnished to the office, and increased convenience and promptitude, as far as practicable with the present force of the bureau, have been introduced in the ascertainment of titles, and in the collection and disbursement of the large amount of revenue derived from this source. But new legislation can alone give entire relief, in the present condition of its enlarged duties, and at least $30,000 a year, for ten years, will be required to be expended in additional clerk hire, to dispose of all the writing in arrear, and that may be hereafter rendered necessary by the additional sales of land.

It gives me great pleasure to state that, among more than fifty offices and one hundred receivers and registers connected with the present system of land sales, amenable to the Secretary of the Treasury, and under his control as to their collections, not one, during the last year, has proved to be a defaulter, although the money collected and paid over has probably exceeded four millions. All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

To Hon. John Bell,
Speaker of Ho. of Reps. U. S.

[Enclosed in the foregoing Report.]

B 1.

Correspondence with the Bank of the United States, in relation to the bill of exchange on France.

Bank United States, April 26, 1833.

Sir: I have the honor to inform you that I have this day received advice from Paris that your bill of exchange in my favor, for four millions eight hundred and fifty-six thousand six hundred and sixty-six francs and sixty-six centimes (francs 4,856,666 66) has been protested for non-payment. As soon as the bills and protest are received, a statement of the account will be forwarded to you. In the mean time, you will please to take notice that the bank holds you responsible for principal, interest, costs, damages, and exchange.

I have the honor to be, with great respect, sir, your obedient servant,

S. JAUDON, *Cashier.*

Hon. Louis McLane,
Secretary of the Treasury.

Bank United States, May 13, 1833.

Sir: Begging reference to my respects of the 26th ultimo, I have now the honor to transmit to you herewith your original bill of exchange, dated 7th February last, in my favor, at sight, on M. Humann, Minister and Secretary of State for the Department of Finance, Paris, for four million eight hundred and fifty-six thousand six hundred and sixty-six francs and sixty-six centimes, and the protest for the non-payment of said bill, dated March 22, 1833, which bill and protest were received by me this day. I transmit, also, herewith, the instrument executed by the President, under the seal of the United States, which accompanied and was returned with this bill, and the account of Messrs. Hottinguer & Co., our bankers in Paris, of the costs of protest, &c., together with the bank's account of return of said bill. The amount of the last is 5,630,765 francs 91 centimes, equivalent, at 5.30 francs, the current rate of exchange this day for a bill on Paris, at sight, to $1,062,408 66, due in cash this day.

I have the honor to be,
With great respect, sir,
Your obedient servant,
S. JAUDON, *Cashier.*

Hon. Louis McLane,
Secretary of the Treasury.

Statement of the payment and charges made by Hottinguer & Co., of Paris, on a bill of f. 4,856,666 66, drawn by the Secretary of the Treasury of the United States upon M. Humann, Minister of Finance, protested for non-payment, and which they paid for the honor of the signature, and for account of S. Jaudon, Cashier of the Bank of the United States of America.

f. 4,856,666 66	amount of the bill.
24,283 33	commission, half per cent.
f. 4,880,949 99	
3,399 90	stamp.
27 65	protest and translation.
14 45	2d and 3d of protest and legalization.
35 00	paid to American consul at Havre, expenses for the document to be copied upon his books.
f. 4,884,427 99	

Say four million eight hundred and eighty-four thousand four hundred and twenty-seven francs and ninety-nine centimes, which we place to the debit of the Bank of the United States, due 22d March, 1833.

Errors excepted.

Paris, 30*th March*, 1833.

HOTTINGUER.

Treasury Department,
May 16, 1833.

Sir: The letter of the cashier of the Bank, Mr. Jaudon, dated the 26th ultimo, informing me of the non-payment of the bill drawn by this Department on the French Government for the amount of the fifth instalment payable under the late convention, was duly received; and yesterday, that of the 13th, returning the bill and protest, and the account of the bank therefor, was also received. As the proceeds of the bill have not been brought into the Treasury by warrant, the Department has it in its power to return the amount immediately to the bank, and the Treasurer has been requested to instruct the cashier of the bank to recharge the same to his account. The account of the bank for the return of the bill is under consideration, and the result, which is not to be affected in either way by this payment, will be communicated in a few days.

I am, respectfully,
Your obedient servant,
LOUIS McLANE.
Secretary of the Treasury.

N. Biddle, Esq.,
President Bank United States, Philadelphia.

Bank of the United States,
June 19, 1833.

Sir: In a letter which I had the honor to receive from your predecessor, under date of the 16th ultimo, it was stated that the account of the bank for the return of the protested bill on the French Government was under consideration, and that the result would be communicated in a few days. The approaching semi-annual settlement of the affairs of the bank, on the 1st of the next month, makes it desirable to arrange all its unadjusted accounts at that period, and it will therefore be acceptable, if entirely consistent with your convenience, to learn whether the account in question can be settled before that time.

I have the honor to be,
Very respectfully,
N. BIDDLE, *President.*

Hon. William J. Duane,
Secretary of the Treasury.

Treasury Department,
June 21, 1833.

Sir: In reply to your letter of the 19th instant, I beg leave to inform you that, upon the receipt of "the account of the bank for the return of the protested bill on the French Government," and before I took charge of this Department, it was deemed proper to submit it to the consideration of the Attorney General of the United States, and that, according to the opinion of that officer, expressed in a letter of which a copy is sent herewith, the item of fifteen per cent. damages on the amount of the bill has no foundation in law or equity.

As the account stated by the bank, with the exception of that item, appears to be correct, if supported by proper vouchers, it would have given me pleasure to have it settled prior to the approaching semi-annual settlement of the affairs of the bank, and with an understanding that this settlement should not affect the rights of the bank otherwise, if any it has. But as the fund from which the payment is to be made is at present insufficient, I am under the necessity of postponing it until the President's return, after which the requisite measures will be promptly adopted.

I am, very respectfully,
Your obedient servant,
WILLIAM J. DUANE,
Secretary of the Treasury.

N. Biddle, Esq.,
President Bank United States, Philadelphia.

Attorney General's Office,
May 24, 1833.

Sir: I have carefully examined the claims presented by the Bank of the United States, on account of the protest of the bill of exchange drawn by you on the French Government, for the first instalment and interest due the United States, under the convention with France of July 4, 1831. The account stated by the bank, if supported by proper vouchers, appears to be correct, with the exception of the claim of fifteen per cent. damages on the amount of the bill. This item, in my opinion, has no foundation in law or in equity, and ought not to be paid by the Government. The bank is entitled to indemnity, and to nothing more. I will take another occasion to state to you the reasons on which my opinion is formed, and am,

Very respectfully,
Your obedient servant,
R. B. TANEY.

To the Secretary *of the Treasury.*

Office of Bank United States,
Washington, June 25, 1834.

Sir: By direction of the Bank of the United States, I hand you, enclosed, an account for the damages and interest on the bill drawn by the Treasury Department on the French Government, and returned protested in March, 1833. This account was presented by me to the First Auditor for settlement on the 23d instant, and returned by him on the 24th instant, with the remark "that, as the claim is understood to be predicated on a negotiation or arrangement in relation to said bill between the bank and the head of the Treasury, his approval, or an appropriation by Congress, is deemed necessary by the accounting officers of the Department, before they can consider themselves authorized to take cognizance of it." For the purpose of obtaining from you the instructions which are deemed necessary, the account is now presented to you, and I will be much obliged by your acting on the case as soon as your engagements will permit, as the bank is anxious to know the final decision of your Department in relation thereto.

I am, sir, respectfully,
Your obedient servant,
R. SMITH, *Cashier.*

Hon. Roger B. Taney,
Secretary of the Treasury.

Bank of the United States.
May 13, 1833.

Account of return, with protest for non-payment, of a bill of exchange drawn by Louis McLane, Secretary of the Treasury, dated Treasury Department of the United States, Washington, February 7, 1833, *at sight, to the order of Samuel Jaudon, cashier of the Bank of the United States, on M. Humann, Minister and Secretary of State for the Department of Finance, Paris.*

Principal due, March 22, 1833	fr. 4,856,666 66
Costs of protest as per Messrs. Hottinguer & Co.'s account of charges herewith, exclusive of their commission, which is covered by the damages charged below	3,478 00
	4,860,144 66
Interest from March 22 (date of protest) to May 13, fifty-two days - -	42,121 25
Damages on fr. 14,855,666 66, at 15 per cent. - - - - - -	728,500 00
	5,630,765 91

which, at 5 30, the current rate of exchange for a bill at sight on Paris, is $1,062,408 66, due in cash this day, with interest until paid.

The United States of America, to the President, Directors, and Company of the Bank of the United States, Dr.

1833, May 13. For amount due upon the bill of exchange drawn by Louis McLane, Secretary of the Treasury, dated February 7, 1833, as per copy herewith of the account of return of said bill under protest for non-payment, rendered this

day to the Secretary of the Treasury, with vouchers - - -	$1,062,408 66
1833, May 18. Deduct amount this day received from the Treasurer of the United States, per his letter dated Washington, May 16, 1833 - - - -	903,565 89
	158,842 77
Interest on the above balance, from May 13, 1833, to June 21, 1834, 13 months 8 days, at 6 per cent. per annum -	10,536 56
	$169,379 33

S. JAUDON, *Cashier.*

Bank of the United States, *June* 21, 1834.

Treasury Department,
July 2, 1834.

Sir: In reply to your communication addressed to the Department on the 25th ultimo, I have to state that the Department is not aware of any circumstance having occurred since its letter to the President of the United States Bank, of the 21st of June, 1833, changing the opinion of your claim for damages on account of the French bill of exchange, as expressed by the Attorney General, and by the Department, in conformity thereto.

I am, very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

Richard Smith, Esq.,
Cashier Branch U. S. Bank, Washington,

Bank of the United States,
July 8, 1834.

Sir: I have had the honor of receiving your letter of the 3d instant, requesting that the dividend on the stock of the bank, owned by the United States, should be placed to the credit of the Treasurer of the United States, at the office of this bank in Washington, which was this morning submitted to the board of directors. At the same time, was presented a copy of your letter to the cashier of that office, dated the 2d instant, containing the final refusal of the Treasury to allow the claim of the bank for damages on the protested bill upon the French Government.

After due consideration of the contents of these communications, I am instructed by the board of directors to inform you that, from the dividend payable on the 17th of this month, there will be deducted the amount due to the bank for damages, costs, and interest upon the bill of exchange drawn by the Secretary of the Treasury on the French Government, and that the remainder shall be placed to the credit of the Treasurer in the office at Washington, in conformity to your request. I am further instructed to say, that this course is adopted by the board of directors, not merely from a conviction of the obvious justice and propriety of it, but because it furnishes the best, if not the only mode of obtaining a judicial decision of the case by the proper tribunals. To procure that decision, the board will give every facility in their power; and if there is any other mode of submitting the rights of the respective parties to the judicial tribunals more acceptable to you, any suggestion by you for that purpose will not fail to receive the prompt and respectful consideration of the board of directors. In the mean time, I have the honor to be, very respectfully, yours,

N. BIDDLE, *President.*

Hon. Levi Woodbury,
Secretary of the Treasury, Washington.

Bank of the United States,
July 8, 1834.

Sir: I had this day the honor of informing you that the board of directors would deduct from the dividend payable to the United States on the 17th day of this month, the amount due to the bank on account of damages on the bill of exchange on the French Government. I am instructed to apprize you, at the same time, that, in thus enforcing their right in this particular case, they desire not to be understood as waiving any other claim upon the Government; and they more especially wish it to be understood that they do not waive their claim for full compensation and indemnity for the violation of the charter of the bank, by the removal from its custody of the public funds, for the use of which the bank had paid a valuable consideration.

That claim is reserved in full force, to be asserted at such time and in such manner as may hereafter be deemed expedient.

I have the honor to be,
Very respectfully, yours,
N. BIDDLE, *President.*

Hon. Levi Woodbury,
Secretary of the Treasury, Washington.

Treasury Department,
July 14, 1834.

Sir: Your two communications, under date of the 8th instant, have been received. The course pursued by the bank over which you preside, in determining to withhold a portion of the dividends due on the stock of the United States, has excited much surprise in this Department, and, at the present time, is more to be regretted, as Congress is not in session to provide for the deficiency thus caused in the estimated revenue from the bank stock the present year. The claim for damages on the bill of exchange drawn upon France, to answer which, it is stated, that payment of part of the dividends is now refused, was disallowed by this Department before the last two dividends were passed to the credit of the Treasury, and some months before the recent session of Congress commenced. Consequently, it was presumed that the claim, if not abandoned, would be presented and pursued before that body, in the manner usual with claims against the United States, when the latter has not instituted any action at law against the claimant.

Besides these considerations, it would not have been anticipated as probable that all the dividends accruing would not be paid with promptitude and fidelity, when it was known that the case of a failure in a stockholder to discharge his subscription to the capital of the bank was the only case where the charter makes an express provision that he shall lose the benefit of the dividends; and, in this instance, that the United States, though a large stockholder, was not pretended to have been guilty of any breach of this provision.

Nothwithstanding this, it it would seem from your communications that the United States, though intimately connected with the bank, by having conferred the great privileges in its charter, by still using it daily as a fiscal agent for certain purposes, and by being entitled to a supervision of its concerns, through Congress, has suddenly, without previous notice, and only by an implied or constructive power, not, in the opinion of this Department, warranted or necessary, and for the purpose of satisfying a controverted claim, the law and equity of which were, many months since, denied by the Executive, and have never been sanctioned by either of the other branches of Government established by the constitution.

In this condition of the subject, since the bank did not deem it proper to present to Congress, the customary tribunal for settling such disputed demands against the United States, or, during its late session, to apprize either that body or this office of the extraordinary course intended to be pursued in thus seizing upon a large portion of the public dividends while already in possession of more than a million of dollars belonging to the Government, but hitherto uncalled for by its creditors or the Treasury, this Department does not consider that it has yet enjoyed a suitable opportunity, in relation to so unexpected a measure, to know the views or procure the desirable action of Congress; and, therefore, does not feel justified in making, at this time, any arrangement with the bank, or any "suggestions" in respect to legal prosecutions; nor in recognising, in any mode, "the justice or propriety" of the proceedings the bank has been pleased to adopt.

But it will endeavor on the whole subject, to present an early report to Congress at its next session, and to the President of the United States. In the mean time, if the bank desires, before a report is prepared, that the facts and reasons in detail on which its decisions, and especially its claim for damages on the bill of exchange, are founded, should be examined by this Department, the statement of them, whenever forwarded, will receive a respectful consideration.

I have the honor to be yours,
LEVI WOODBURY,
Secretary of the Treasury.

N. Biddle, Esq.,
President U. S. Bank, Philadelphia.

B 2.

Letter of the Attorney General requesting it, and the opinion of the Honorable R. B. Taney, upon the claim for damages by the bank on account of the protest of the French bill of exchange.

Attorney General's Office,
October 21, 1834.

Sir: I have recently received a letter from the Secretary of the Treasury, in which he requests me, among other things, to furnish him with a copy of the reasons, supposed by him to have been placed on file in this office by yourself, in support of the opinion given by you as Attorney General of the United States, on the claim preferred in May, 1833, by the Bank of the United States, for fifteen per cent. damages on the bill of exchange drawn by the Secretary of the Treasury on the French Government. As I do not find any such paper on the files of this office, may I ask you to transmit me a copy thereof, if such a document has been prepared by you, and, if not, that you will state the grounds of your opinion in such form as to enable me to comply with the request of the Secretary of the Treasury.

I have the honor to be,
With great respect,
Your obedient servant,
B. F. BUTLER.

To the Hon. Roger B. Taney, *Baltimore.*

Washington, Nov. 25, 1834.

Sir: I proceed, according to your request, to state the grounds on which I came to the conclusion that the Bank of the United States was not entitled to the fifteen per cent. damages, which it demanded on the protest of the bill drawn by the Secretary of the Treasury, for the first instalment due under the convention with France.

The facts in the case are briefly these: By the terms of the convention, the money was to be paid at Paris, into the hand of such person or persons as should be authorized by the Government of the United States to receive it. And by the act of Congress of July 13th, 1832, it was made the duty of the Secretary of the Treasury to cause the several instalments, with interest thereon, to be received from the French Government, and transferred to the United States, in such manner as he might deem best: the nett proceeds thereof to be paid into the Treasury.

In execution of this act of Congress, the Secretary of the Treasury drew a bill of exchange on the French Government, payable to the cashier of the bank, or to his order, for the first instalment due by the treaty, for which the bank agreed to pay a stipulated sum. But as this bill from the Treasury Department was not such an instrument as would, under the treaty, authorize the bank or the holder to demand payment, another instrument was executed, in proper form, under the signature of the President, and duly authenticated from the State Department, whereby the cashier of the bank, and his assignee of the bill, was authorized to demand and receive the amount due for the said instalment, and to give an acquittance to the French Government. This paper was delivered, together with the bill of exchange, to the bank, and was passed with it to the endorsee, for the purpose of conferring on the holder of the bill the character and authority that would entitle him to demand the money, according to the stipulations in the treaty. When the papers were presented to the French Government, and payment demanded, it was refused, because no appropriation had been made by the Chambers. The bill of exchange was thereupon protested, and paid *supra protest*, by Hottinguer & Co., of Paris, for the honor of the bank.

My impression is, that it appeared from the papers communicated by the bank to the Treasury Department, that the bill in question was paid by Hottinguer & Co. out of the funds of the bank then in their hands. I do not, however, find such a statement among the papers now submitted to me. Nor does it materially vary the case: for it is not suggested by the bank that it is liable to Hottinguer & Co. for the damages it has claimed of the United States.

At the time the Secretary of the Treasury made the arrangement with the bank above stated, and delivered to it the bill of exchange, and the authority from the President, and for a long time before and after, and up to the time when these damages were demanded, the bank had on deposite, in the mother bank and its various branches, a very large amount of public money, far exceeding the sum which the bank was to pay. And, upon the delivery of these papers, the sum which the bank had agreed to pay to the Government was transferred on the books of the bank to the credit of the Treasurer of the United States. But it was never brought into the Treasury by a warrant from the Department, nor was any part of it ever withdrawn from the bank or used by the Government. It remained in possession of the bank until notice was received of the non-payment of the instalment by the French Government, and was then retransferred to the bank, by the direction of the Secretary of the Treasury. It is not alleged that the bank sustained any damage or inconvenience whatever, beyond the mere cost of the transaction.

The money which France agreed to pay was due to individual citizens of the United States for injuries which they had suffered from the French Government. It was to be paid to the United States, as trustee for them. And the object of the act of Congress, hereinbefore referred to, was to enable the Secretary of the Treasury to transfer the money to this country in such a manner as would, in his judgment, render the fund most productive to the parties entitled. The nett proceeds of the indemnity stipulated by the treaty, after deducting the costs and expenses of transmitting it to the United States, is all that the parties are entitled to demand from the Government; and if the damages insisted on by the bank are allowed, it will diminish the sum to be distributed $158,842 77, and lessen, by that large amount, the compensation to be received by the individuals who have suffered from the wrongs of the French Government. In the arrangement made with the bank, the Secretary of the Treasury deals with a fiscal agent of the Government; and that agent must have perfectly understood that the United States were acting merely in the character of trustees, for the benefit of others; and that, in the shape which was given to the transaction with the bank, the Secretary of the Treasury intended to obtain the remittance of the funds in a manner that would render them most productive to the persons entitled.

This summary of the facts renders it sufficiently evident that the claim of the bank to fifteen per cent. damages cannot be supported upon any principle of moral justice, among the parties concerned; as the bank does not allege that it sustained any damage or inconvenience from the non-payment of the money by the French Government, it would be manifestly unjust to extort these heavy damages from the individual citizens, who would have to bear the penalty it demands, and whose actual losses will not be compensated if the entire sum is paid according to the treaty.

It would be still more unjust to exact such damages from the United States, as they acted in this business merely in the character of trustees, and adopted, in good faith, the mode of remittance which was believed to be most for the interest of the persons intersted in the fund. Where no loss has been sustained by the agent with whom the Government dealt, it is obvious there can be no claim for damages, upon principles of justice, either against the individual claimants or against the Government. And if the bank can make good its right to the damages, the claim must depend for support on some principle of mere technical law, and not upon its equity and justice.

In my opinion, there is no principle, even of mere technical law, upon which the claim to the damages can be sustained.

If the bill of exchange drawn by the Secretary of the Treasury had been an ordinary commercial transaction between individuals, the protest for non-payment would not, according to the *general usages* of trade, have given the bank a right to demand these damages; for, by the general law merchant, the holder of a protested foreign bill of exchange is entitled to indemnity, and nothing more. He is entitled to a just compensation for the injury he may sustain; and this compensation, according to the general law of commerce, consists of so much as will purchase a good bill of exchange for the same amount, together with interest on the amount of the bill, and the costs and expenses to which the protest subjected him. But he has no right to damages of fifteen per cent., or for any particular amount, by way of penalty on the drawer. I speak now of the principles upon which the general law merchant measures the compensation to a holder of a foreign bill of exchange, when dealing with the subject upon general principles of justice between the parties. But, in many places, damages are given by local usages, or the statutes of the particular States or nations, and vary in amount in different places; and, in such instances, they are not intended to be given as a compensation for the loss actually sustained, but are allowed upon principles of commercial policy, and as a penalty on the drawer for selling a foreign bill of exchange, without having funds provided to meet it.

In Maryland, for example, damages are given by express statute; and by an act of Assembly passed in 1785, and which is still in force in that State, it is enacted, "that upon all bills of exchange hereafter drawn in this State on any person or corporation, company or society, in any foreign country, and regularly protested, the owner or holder of such bill, or the person or persons, company, society, or corporation, entitled to the same, shall have a right to receive and recover so much current money as will purchase a good bill of exchange, of the same time of payment, and upon the same place, at the current exchange of such bills, and also fifteen per cent. damages upon the value of the principal sum mentioned in such bill, and cost of protest, together with legal interest upon the value of the principal sum mentioned in such bill, from the time of protest, until the principal and damages are paid and satisfied."

The transaction between the Secretary of the Treasury and the bank, having taken place at Washington, in that part of the District of Columbia which formerly belonged to Maryland, it would, as Congress have not legislated on the subject, be governed by the laws of Maryland in force at the time when jurisdiction was assumed by the General Government.

It is under this act of Assembly, I presume, that these damages are claimed, and the right to them, if it exists at all, must be deduced from the provisions of this law, and cannot be claimed independently of it. And in order to support the demand made by the bank, it must be shown that this statute embraced bills of exchange drawn by the State of Maryland itself. Because the United States, standing now in the same relation to that portion of the District that the State held before jurisdiction was assumed over it by the General Government, the statute in question cannot bear on the rights of the United States further than it operated on the State of Maryland in like cases.

It is quite clear that this act of Assembly did not embrace bills of exchange drawn by the State itself. I consider it to be an established principle of law in Maryland, that the State is not included in the general provisions of a law, unless it is expressly named, or the language of the statute, and the nature of the provisions, imply that it was intended to operate on the rights of the State as well as of individuals.

The State is not named in the statute above quoted, nor can its words, by any fair interpretation, be construed to embrace it. The object of the law is too obvious to be misunderstood. It was designed to prevent individuals or companies from selling bills payable in foreign places when they had no funds to meet them. And the fifteen per cent. damages is given, in addition to the actual damages which the holder would sustain, in order to deter individuals from practising imposition upon others, by professing to have funds in places where in truth they have none, and thereby inducing the honest trader to purchase from them, and by that means subjecting him to inconvenient and inevitable disappointment in his commercial arrangements. It is impossible to suppose that the Legislature imagined that such a provision was necessary to guard individuals against such impositions on the part of the State. It could not be supposed that a bill of exchange would be drawn by the sovereignty, unless it was believed that funds were provided to meet it. And it cannot be imagined that, if the party on whom it was drawn should fail in his duty, and refuse the payment, the State would inflict a penalty of fifteen per cent. on itself, when it had been in no fault, and committed no injustice. In such a case, it would doubtless be right to settle the claim upon principles of justice, and to give to the party a liberal indemnity for any loss he might really sustain. But the State could hardly intend to inflict upon itself a penalty beyond what the principles of justice and the general usages of trade would give in the case of an individual. It is impossible, therefore, to suppose that it was the intention of the Legislature to embrace in this law bills of exchange drawn by the State. And as the State of Maryland would not, under this act of Assembly, have been chargeable with the fifteen per cent. damages, the penalty cannot, by force of its provisions, be claimed against the United States.

But the subject-matter of the transaction out of which this controversy has arisen, is not one contemplated by the act of Assembly, and was never designed to be embraced by its provisions. The law intended to give the damages specified, where instruments known in the general usages of trade, as foreign bills of exchange, were regularly protested. In cases of that description, the sale of the bill itself constitutes the whole transaction between the drawer and the party to whom it is transferred; the purchaser is not bound to inquire, and is not presumed to know how funds are to be provided in the hands of the drawee to pay it. The drawing of the bill is equivalent to an assurance that it will be duly accepted and paid, and the purchaser relies upon this assurance. The instrument itself confirms the right to receive the money, and constitutes the only evidence of the right; and it does not require the aid of any other writing to support its authority.

It is an abuse of terms to treat the bill drawn by the Secretary of the Treasury, in favor of the bank of the United States, on the French Government, as an ordinary mercantile transaction, and liable to be governed by the same rules. This bill of exchange, standing by itself, gave no right to demand the money from the party on whom it was drawn. The endorsement of the bill, of itself, transferred no right to the holder; the entire authority was given by the instrument, signed by the President, and attested at the State Department, which authorized the French Government to pay the money to the cashier of the Bank of the United States, or to his assignee of the bill. The bill of exchange not being such an instrument as the treaty contemplated, it would have been inoperative and without value, unless accompanied by this authority. It was in shape, indeed, like the mercantile instrument known as a bill of exchange, but it wanted the most essential quality of that instrument. It cannot, therefore, be justly or legally regarded as subjecting the parties to it to all the liabilities and undertakings implied in the ordinary concerns of commerce; nor can it be considered as embraced by a statutory provision, which was obviously designed to provide for instruments which belong to the ordinary usages of trade, and which have the incidents and qualities the law annexes to such contracts.

The real authority to the bank was the instrument of writing above mentioned, signed by the President. This paper was executed, in manner and form, according to the usages of nations; and the French Government were bound to recognise its authority, and to pay the money to the person thereby designated. And from the nature of the transaction, the bank must have perfectly understood that this instrument, and not the bill of exchange, constituted the real power to receive the money. The paper from the Department of State, being delivered to the bank at the same time with the bill, explained the whole transaction, even if it had not before been well understood. And there is no pretence, therefore, for treating this controversy as if it were simply the affair of a commercial instrument, and liable to all its incidents and implied undertakings.

The bill of exchange was superadded, I presume, to the regular authority required by the treaty, for the convenience of the bank in transmitting the funds to this country; and it certainly was not expected that an instrument not necessary to the transaction, and which conferred no right, would subject the United States to the payment of fifteen per cent. damages, upon the failure of the French Government to meet its engagements.

Whatever damages were actually sutained by the bank, the Government ought, no doubt, to repair, and are ready and willing to make good. But there is, in my judgment, no foundation in justice or in law for the penalty of fifteen per cent. claimed by the bank.

The papers relating to this transaction being in Washington, it was out of my power to reply to your note until I could come here to examine them; and having been necessarily detained in Baltimore since you called on me for this opinion, I must beg you to excuse the unavoidable delay in transmitting it to your office.

I have the honor to be, sir, very respectfully, your obedient servant,

R. B. TANEY.

The Hon. B. F. Butler,
Attorney General U. S., Washington.

B 3.

Opinion of the Attorney General of the United States on the seizure of the dividends on the Government stock of the United States in the Bank of the United States.

Attorney General's Office,
November 28, 1834.

Sir: I have examined the correspondence and other documents transmitted to me with your communication of the 17th ultimo, and, in compliance with your request, will now proceed to state my opinion "as to the validity of the course pursued by the Bank of the United States" in withholding a portion of the dividends payable in the month of July last, upon the stock of that institution owned by the United States, and in applying the same in satisfaction of a claim for damages, at the rate of 15 per cent., and for costs and interest upon the bill drawn in February, 1833, on the French Government, which claim had been previously disallowed by the Treasury Department, and had not been provided for, or in any other manner sanctioned or admitted, by any act of Congress.

In the letter of the president of the bank, addressed to yourself, and dated the 8th of July last, he states that he is instructed to say, that this course has been adopted by the board of directors, "not merely from a conviction of its obvious justice and propriety, but because it furnishes the best, if not the only mode, of obtaining a judicial decision on the case, by the proper tribunals." He also suggests, that "to procure such a decision, the board will give every facility in their power; and that if there is any other mode of submitting the rights of the respective parties to the judicial tribunals more acceptable to you, any suggestion for that purpose will receive a prompt and respectful consideration."

The vindication of the bank, in withholding the money in question, is thus, as I understand it, placed by its president on the double ground, 1st, that the course itself is a just and proper one; and, 2dly, that whether this particular step be a proper one or not, the original claim of the bank to damages ought to be decided by the judicial tribunals, whose action is to be had upon the subject, by compelling the United States to sue for the moneys now retained, when the opposing claim of the bank will be presented for trial and decision, by way of set-off.

I. I am not aware that any case can exist, in a country acknowledging a government of laws, in which it can be obviously just and proper for a party, claiming to be the creditor of another, to retain the money or other property of the latter, without his consent and against his will, except where the law gives such creditor the benefit of a lien; in which case he is permitted to appropriate the debtor's money to the payment of the debt, and to detain his other property, until such debt shall be satisfied. Such a right, it is presumed, is intended to be asserted and relied on, in support of the course adopted by the bank; and the first point to be examined, therefore, is, whether that corporation has a lien for the claim, and on the moneys in question?

It is proper, at the outset of this inquiry, to recur to the charter of the bank, for the purpose of ascertaining whether any such right can be derived from its provisions; it being a familiar rule in the law of corporations, that those bodies have no other powers than such as are either expressly granted, or necessarily implied, in the act creating them. The thirteenth article of the constitution of the corporation is the only part of the charter which expressly authorizes the bank to withhold the dividends of a stockholder; and the authority there given is confined to the case of "a failure in the payment of any part of any sum subscribed to the capital of the said bank, by any person, copartnership, or body politic;" in which event it is declared, that the party failing "shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same." Whether this corporation would have had a lien on the dividends, in the particular case thus provided for, if the charter had been silent on the subject, it is not now material to inquire, because the provision above quoted is confined to delinquencies "by any person, copartnership, or body politic," and was evidently so penned for the purpose of excluding the United States from its purview; and also because the demand for which the lien is now claimed is not for a failure of the payment of subscription moneys.

Nor do I think it very material to inquire whether, since Congress have expressly authorized the bank to withhold the dividends of a stockholder in one case, and in one case only, the right to do so is to be denied in every other case; although there is certainly some ground for such an argument. On the contrary, I shall concede, for the purpose of this opinion, that as between itself and its ordinary stockholders and dealers, this corporation is entitled to the same liens and other legal advantages, in respect to debts and damages claimed by it, as private bankers or the State banks.

By the law of lien, as it exists in England and the United States, private bankers have a general lien on all moneys and securities deposited with them, for the balances of accounts and other actual debts, and for acceptances and other engagements, made in consideration of such deposites. The State banks and other moneyed corporations in this country, are undoubtedly entitled to the like general lien; and it is usually understood to extend, in respect to debts actually due, to dividends on their stock. Such, at least, appears to be the law in New York and Massachusetts; in each of which States it has been decided by the State courts that dividends on stock might, without any express provision in the charter, or any specific by-law on the subject, be applied by the company declaring them to the discharge of debts actually due from the stockholder. (Bates *vs.* New York Insurance Company, 3 Johns. cas. 238; and Sargent *vs.* Franklin Insurance Company, 8 Pickering, 90.) The bill on the French Government having been drawn in that part of the District of Columbia in which the law of Maryland prevails, must be decided, so far as it may depend on the local laws, by the law of that State; but the question whether the bank, supposing its claim to be a valid one, could rightfully adopt, for the satisfaction of that claim, the course it has pursued, must depend, as to local laws, on the law of Pennsylvania, in which latter State this part of the case has exclusively arisen, and in which the trial, provided a suit shall be commenced, will be had. In this State, from the careful manner in which the right to withhold the dividends of stockholders indebted to banks has been given to those institutions by the general statutes on the subject, it would seem to have been thought necessary that the right to retain dividends in satifaction of debts due to a corporation from its stockholders should be expressly conferred by the legislative authority.

But whatever may be the rights of the Bank of the United States in respect to the dividends of ordinary stockholders actually indebted to the corporation, the present case is distinguished by circumstances fatal to the supposed lien.

The stockholder whose dividends have been withheld is not an ordinary corporation; the corporation itself, considered in reference to that stockholder, is not an ordinary corporation; and the act in question is not to be decided by the rules which would govern in ordinary cases. The chief object of Congress in incorporating the Bank of the United States, so far as their design can be ascertained from their debates and other proceedings, was to create an instrument or agent to be employed in the collection and disbursement of the public revenue, and in the other fiscal operations of the Government. And in all the legislative discussions which, from 1791 to the present day, have been had upon this subject, as well as in the decision of the Supreme Court in the case of McCulloch *vs.* the State of Maryland, (4 Wheaton, 316,) the powers of raising, collecting, and disbursing the public revenue, of borrowing money on the credit of the United States, and of paying the public debt, have been principally relied on as those which were supposed more clearly than any others to include the implied power to incorporate a National Bank. This corporation, then, considered in its relation to the United States, is emphatically their agent; and the public money invested in its stock must be deemed to have been so invested, for the double purpose of rendering the agent more efficient and useful, and of securing to the Government a revenue therefrom. If this view be correct, it is impossible that the bank can be entitled to a lien as against the United States, either in respect to the Government stock, or to the dividends accruing thereon, or to any other public moneys which may come to its possession. All liens are founded on the legal relation of the parties, on agreement, either express or implied, or on the usage of trade; and a lien is never permitted where it would be inconsistent with the legal relations, or would violate the agreement or understanding of the parties. And surely nothing can be plainer than that the United States, in creating this fiscal agent for the express purpose, among other things, of more effectually collecting and bringing into the Treasury the moneys of the nation, could never have intended that the agent should have the power of detaining those moneys, and thus defeating one of the leading motives which led to its creation. This objection might be enforced, but I do not know that it could be made more intelligible by any additional remark; and to my own mind, its distinct and perspicuous announcement is all that seems necessary to secure to it a general assent.

But, without reference to the nature of the corporation, there is that in the character of the corporator whose dividends are withheld which exempts them from the lien now asserted. The United States, in becoming a stockholder in the bank, have not parted with the character and immunities which belong to the sovereign power, except so far as the same are expressly relinquished. And as no express authority has been given to the bank to withhold, in any case, the dividends accruing on the public stock, its right to appropriate such dividends to its own use, under the notion of lien, or of any other legal privilege, must stand upon the same ground as that of any other natural or artificial person owing allegiance to the Government.

It is a fundamental principle of public law, one, indeed, which results from the very nature of sovereignty, that the sovereign power—no matter in whom it may reside—is not liable to be sued in the judicial tribunals by its creditors or others, except in those cases where, by the civil polity of the nation, provision is expressly made for this mode of obtaining justice. In the United States no such provision exists in respect to claims for any debt or damages alleged to be due from the Government; no suit could be maintained by the bank against the United States for the recovery of the damages in question. Its only direct remedy is by an appeal to Congress, who, under our constitution, have the exclusive control of the public moneys.

As a general rule, a lien can only exist in those cases in which a suit at law might be prosecuted by the party asserting the lien against the owner of the money or other property detained. And as the United States cannot be sued for debts or damages incurred by them, it follows that no lien for any such debt or damages can exist on their money or other property.

On this point I refer to the case of the United States *vs.* Barney, (3 Hall's American Law Journal, 128,) before Judge Winchester, in the United States district court for the Maryland district, in 1809. The indictment charged the defendant with having wilfully obstructed the passage of the public mail. The defendant set up in his defence that he had fed the horses employed in carrying the mail for a considerable time, and that a sum of money was due to him for food furnished before the time of their detention—a case which, as between individuals only, would clearly, at common law, have entitled the party to a special lien. It was decided that the defendant was not justified, on the principle of the common law, in stopping the mail; for as the Government could not be sued, no lien could exist.

In the course of his opinion, Judge Winchester states, as the ground of his decision, that "no other remedy exists for a creditor of the Government, than an application to Congress for payment. A lien cannot be permitted to exist against the Government, for liens are only known or admitted in cases where the relation of debtor and creditor exists, so as to maintain a suit for the debt or duty which gives rise to the lien, in case the pledge be destroyed or the possession thereof lost; as in the case of a carrier of the mail, he cannot sue for the hire, nor retain the mail, because he cannot sue; yet a carrier of private property may sue or retain, because Government is not answerable. Justice is the same, whether due from one to a million or a million to one man; but the modes of obtaining that justice must vary. An individual may sue and be sued. The United States cannot be sued. Suability is incompatible with the idea of sovereign power. The adversary proceedings of a court of judicature can never be admitted against an independent Government or the public stock or property. The ties of faith, public character, and constitutional duty, are the sure pledges of public integrity, and to them the public creditors must, and I trust with confidence may, look for justice. They must not measure it out for themselves." The same general principles are also recognised in the cases of the Commonwealth *vs.* Mattack, (4 Dallas 303,) and the United States *vs.* Wells, (2 Wash. C. C. R. 161,) to which I shall hereafter have occasion to refer for another purpose.

This doctrine is peculiarly applicable to the present case. From the 17th of July, 1834, when the last semi-annual dividend became payable, the bank must be deemed to have been in the possession of so much money belonging to the Government, and as holding it in the same manner, and subject to the same obligations and liabilities, as any other receiver or depositary of public moneys. It may not have passed the amount in its books to the credit of the Treasurer of the United States, but its own omission to do an act merely formal cannot alter the substance of the transaction, nor impair the rights of the Government. Though not technically brought into the Treasury, this money was not the less a part of the public treasure, and, as such, it must be protected from lawless misapplication.

The constitutional provision that "no money shall be drawn from the Treasury except in consequence of appropriations made by law," was undoubtedly intended to secure to the National Legislature the exclusive power of deciding how and when the public money shall be applied to the discharge of the expenses, debts, or other engagements or liabilities of the Government. But this provision would be liable to be evaded and defeated if the public money, whilst in the hands of receivers and depositaries, were not exempt from the claims, pretended or real, of those agents. To apply any portion of the public money to the satisfaction of a claim against the Government, not sanctioned by any act of Congress, must be equally a violation of the spirit and intent of the constitution, whether the money has been formally brought into the Treasury, or whether it be lying in the hands of a depositary. To give full effect to its provisions, the law of lien, and every other legal rule existing between individuals, which, in its practical operation, would produce such a result, must give way to the paramount efficiency and importance of the supreme law.

But, independently of any constitutional provision, the result would be the same. Once establish the fact that the money in question is the money of the nation, and its exemption from ordinary liens must necessarily follow. This exemption is not merely a prerogative; it flows from the nature and necessities of Government, and is essential to the full attainment of the benefits intended to be secured by it. And there is even more necessity for extending it to moneys in the hands of collectors and depositaries which have not reached the public Treasury, than to those which, having been received into the Treasury, are afterwards drawn from it, and intrusted to disbursing agents for the purpose of expenditure. It is, for the most part, on means of the former description that the public estimates are founded, and the legal appropriations made; and all the fiscal arrangements of the nation would be liable to be defeated if the agents employed to collect the public revenue were allowed to withhold it from the Treasury, under the pretext of satisfying their own claims on the honor or justice of the nation. In the very case now before me, the dividends in question were a part of the ways and means enumerated in the estimates duly submitted to Congress for the present year, and were undoubtedly taken into account by that body, in the appropriations made by them; and though the amount of public money now detained was not large enough to produce any very serious embarrassment, yet I perceive in the correspondence submitted to me, an explicit declaration by the president of the bank that the corporation has another claim against the Government for compensation and indemnity, which is "reserved in full force, to be asserted at such time, and in such manner, as may hereafter be deemed expedient," and under which it is possible that other moneys, and perhaps even the large amount of stock belonging to the Government, may hereafter be withheld. Indeed, it is obvious that if the course now adopted be warranted by law, it may, with equal propriety, be pursued by the bank in respect to the claim it has reserved; and that all other receivers and depositaries of public moneys, or other property, will be equally at liberty, in like cases, to imitate the example. The principle, if sound, would also have included the disbursing agents; but, fortunately for this branch of the public service, Congress, by the second section of the act of the 31st of January, 1823, concerning the disbursement of public money, have expressly enacted, "that every officer or agent of the United States who shall receive public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts quarter-yearly to the proper accounting officers of the Treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months if resident in the United States, and within six if resident abroad;" thus, by necessary implication, excluding all pretence for retaining the public money for any outstanding demand, however equitable or valid. And, by the third section of the same act, it is further provided, that every disbursing officer or agent violating this enactment, shall be forthwith reported to the President, and promptly dismissed from the public service, unless he shall satisfactorily account for his default. The first section of the act of the 2d of March, 1809, amending the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, also provides that all such officers "shall render distinct accounts of the application of the public moneys, according to the appropriation under which the same shall have been drawn; and that the sums appropriated for each branch of expenditure shall be solely applied to the objects for which they were respectively appropriated, and to no other" —an enactment which plainly makes it unlawful for the persons embraced within its purview to appropriate the public money to the discharge of their own claims, unless a distinct appropriation for that purpose shall have been made by law. Other provisions of the like nature might be referred to, but I will only mention, in addition, the prohibition contained in the act of the 25th of January, 1828, "to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes," against paying to any person who is in arrears to the United States any money for his compensation "until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable." These various statutory provisions are in affirmance of the preceding views; and they show, very clearly, that Congress deem the unauthorized detention of the public moneys, by the disbursing agents, an offence so aggravated in its character, and so dangerous in its tendency, as to justify very severe and summary proceedings. And if they have not guarded the public treasure, whilst in the hands of its original receivers and depositaries, with equal efficiency of regulation, the omission is doubtless to be ascribed to the belief that no one of those agents, however faithless in other respects, would attempt to sequester or detain it under the pretext of satisfying a claim never presented to Congress, nor recognised as valid by any department or officer of the Government; and to the fact that, until the occurrence of the present case, no such attempt has ever been made, or, if made, brought to the notice of the Legislature. But if the measure now under review shall be ultimately sanctioned by the judicial tribunals, this omission of statutory provision will no longer be safe. The whole revenue of the country will be exposed to such hazards as to call for the prompt exertion of the legislative power. There are, however, various legislative provisions now in force in regard to the collectors of the customs and receivers of moneys on the sale of public lands, which plainly imply that they have no authority to withhold from the Treasury the moneys collected by them, except so far as expressly authorized by act of Congress. And the act of the 15th of May, 1820, providing for the better organization of the Treasury Department, provides, "that if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the Treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time required by law, it shall be the duty of the First Comptroller of the Treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and to certify the same to the agent of the Treasury, who is authorized and required to issue a warrant of distress against such delinquent officer and his sureties." The act then proceeds to describe the course to be pursued on the warrant by the sale of the goods and chattels and lands of the delinquent and his sureties, and, in a certain event, by committing the delinquent to prison. This enactment is also, by the third section of the act, extended to disbursing officers; and although provision is made for enabling any person who conceives himself aggrieved by the issuing of any such warrant, to obtain an injunction from a district judge upon a bill in equity, "setting forth the nature and extent of the injury of which he complains," yet no authority is given to the judge to allow any other deductions than those to which the complainant shall be found to be equitably entitled, under some legislative provision. This act, and all the other acts of Congress, on the subject of the collection and safe-keeping of the public revenue, seem to me to have been framed upon principles directly the reverse of those involved in the recent measure of the Bank of the United States.

It would be easy to extend this topic by pertinent remarks, but the utter incompatibility of a right in the public agent to appropriate to his own use, under any pretext, public property committed to his care, with the first principles of civil government and official duty, is too apparent to need further observation.

But, independently of the weighty considerations above stated, there are other objections to the existence of a lien in the present case, which, though not equally important, are not less decisive.

A factor, agent, or other person, to whose hands money or other property is intrusted, upon a special agreement that the same is to be paid or delivered in a particular manner, or under an implied understanding to that effect, is not usually entitled to a general lien, even for debts subsequently contracted, and is never allowed to assert such a lien in respect to antecedent demands. The reason is, because it would be a departure from the obligations, express or tacit, as the case may be, of the contract, and would operate as a fraud on the owner of the property. Considering the peculiar relations of the bank to the Government, and I think it must be generally conceded that the stock of the United States was originally invested, and has since been left in the bank, under the full understanding, on both sides, that the dividends accruing on it would be punctually, and without deduction or charge, paid into the Treasury, the rule now referred to, is, therefore, fairly applicable.

Again: Where a person acting as trustee or agent for another fairly discloses the name of his principal, and the authority under which he acts, and where, by virtue of a contract made under these circumstances, within the scope of his authority, a debt or duty to a third person is incurred, the creditor is never permitted to assert a lien for such debt or duty on the property of the agent. In the whole transaction connected with the draft on the French Government, the United States acted as trustees and agents of persons entitled to indemnity under the treaty, as was fully known to the bank when it received the bill; and though it might with propriety rely on the ability and disposition of the United States, as the parties through whose hands the moneys to be paid under the treaty were ultimately to pass, to make provision, out of those moneys, for any just claim growing out of the transaction, yet it certaily had no right to rely, and it is to be presumed did not rely on the dividends, or other funds exclusively belonging to the Government, for the satisfaction of any such claim. The principle now stated is, therefore, also applicable to the present case.

Once more: A general lien does not extend to unliquidated demands; and, according to the law of Pennsylvania, as will appear in the sequel of this opinion, a claim for damages on a protested bill of exchange is such a demand.

Other limitations of the law of lien, which forbid its application to the present case, might also be mentioned, but I deem it unnecessary to pursue the subject further.

II. I shall now proceed to examine the question whether, if a suit be brought by the United States to recover the balance of the dividends withheld by the bank, the claim of the latter can be presented for trial and decision, by way of set-off to the demand of the plaintiffs in such suit. The very announcement of a pretension to set off this claim, considering that its validity and justice have never been sanctioned by Congress, that no provision has been made by law for its discharge, and that it has always been a subject of controversy between the bank and the Executive, is certainly sufficiently novel to excite surprise, and much too important not to demand the most serious consideration. It necessarily involves the assumption that, in the judgment of those who make this pretension, the judicial tribunals are the proper functionaries to decide upon the justice and validity of the claim against the Government, and, if that decision be favorable, to provide, through the medium of judicial forms, and without any aid from the Legislative department, for its discharge. And this idea is, accordingly, quite prominent in the communication addressed to you on the 8th of July last by the president of the bank.

To this suggestion I cannot assent. The particular claim of the bank is one of those demands which, had it even been allowed by the accounting officers when presented, could not have been paid out of the Treasury, because no legal appropriation had then, or has yet been made for it. In order to its direct payment, in the usual manner, out of the Treasury, it is indispensable, according to the injunctions of the constitution, that a law should first be passed, allowing a demand, and making provision for its payment. It follows, that any course of legal proceeding which shall have the effect to transfer from the Legislature to the Judiciary the authority to decide on this claim, and to apply the public money to its liquidation, without the sanction of a law previously passed, will plainly involve a palpable violation of the spirit, if not of the words of the constitution. Now, it is a familiar maxim of law, founded on common sense and natural justice, and, therefore, very generally applied, that a party shall never be allowed to do indirectly what the law will not permit him to do directly. And the remarks already made for the purpose of showing the incompatibility of a lien on the money or other property of the Government, within the meaning and object of the constitution, are equally applicable to this part of the case.

I am not aware of any case in which a credit or set-off has been allowed to a party sued by the United States, which was not covered by some special or general appropriation made by law; and it is very obvious that none can be allowed, except where such an appropriation has been made, without transferring from the Legislative department, to whom it exclusively belongs, the control of the public purse, and the power of distributing its contents. In several recent cases, reported in 7th Peters, the Supreme Court have carried the right of set-off, in Government cases, to its utmost limits; but in all of them they proceeded on the ground that there were legal provisions which sanctioned the credits claimed, and which provided funds for their discharge, although in some of them the accounting officers required the special direction of the head of the Department, before the claim could be allowed. And in one of those cases (the United States *vs.* Macdaniel, 7 Peters, 1) it is expressly admitted by Mr. Justice McLean, in delivering the opinion of the court, "that a claim which requires legislative sanction is not a proper off-set, either before Treasury officers or the court."

It would seem to be unnecessary, after an admission from such a source, so explicit and decisive, to dwell longer on this point; but as I have come to the conclusion, upon a very full examination of this branch of the subject, that there are many other objections to a set-off in the present case, I shall proceed to state some of them at length. I think it the more necessary to do this, because I am satisfied that considerable misapprehension prevails in regard to the nature and extent of the right of set-off, in suits brought by the United States against persons indebted to them.

Set-off differs from a lien, inasmuch as the former belongs exclusively to the remedy, and is merely a right to insist, if the party thinks proper so to do, when sued by his creditor on a counter demand, which can only be enforced through the medium of judicial proceedings; whilst the latter is, in effect, a substitute for a suit. There is a natural equity that claims arising out of the same transaction should compensate each other, and that the balance only should be recovered. But this natural equity does not require or authorize a set-off of the bank claim in the present case, inasmuch as this claim is not for any debt or duty growing out of the acquisition, receipt, or possession of the Government dividends. If, therefore, there be a right to set off this claim in the present case, it is strictly a legal right, and must derive its warrant from positive rules of law.

We have no act of Congress defining the various cases in which off-sets may be allowed in actions pending in the courts of the United States, either between the Government and individuals, or between individuals alone. By the 34th section of the judicial act of 1789, it is provided "that the laws of the several States, except where the constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply." And, by the process acts of 1789, 1792, and 1828, the forms of process, and the forms and modes of proceeding in suits of common law, are to be the same as those used at certain periods specified in the acts in the supreme court of the State where the question arises, except where otherwise provided by act of Congress, or by rules of court. Under these statutory provisions, the law of the State in which the trial may be had, and the practice of the courts of such State, on the subject of set-offs, are, doubtless, to be regarded as furnishing rules of decision for the national courts, except where the constitution, treaties, or statutes of the United States otherwise provide or require.

And, with this qualification, the law of set-off of the several States must be deemed obligatory on the courts of the United States.

But, though Congress have not attempted to regulate this subject by any general rules, they have, by the 3d and 4th sections of the act "to provide for the settlement of accounts between the United States and receivers of the public moneys," passed on the 3d of March, 1797, imposed some restrictions on set-offs, in suits against public debtors. The 3d section of this act provides, "that where suit shall be instituted against any person or persons indebted to the United States as aforesaid, it shall be the duty of the court where the same may be pending, to grant judgment at the return term, upon motion, unless the defendant shall, in open court, (the United States attorney being present,) make oath or affirmation that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the Treasury, and rejected; specifying each particular claim so rejected in the affidavit; and that he cannot then come safely to trial." The 4th section declares "that in suits between the United States and individuals, no claim for a credit shall be admitted upon trial, but such as shall appear to have been presented to the accounting officers of the Treasury for their examination, and by them disallowed, in whole or in part, unless it shall be proved, to the satisfaction of the court, that the defendant is at the time of the trial in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States, or some unavoidable accident." These are all the provisions on the subject of set-offs to be found in the acts of Congress; and these, it is very obvious, were intended not to enlarge, but to limit the right of set-off in suits between the Government and persons accountable for public moneys. They undoubtedly imply that defendants, in such suits, might, in certain cases, be entitled to set off, against balances ascertained and certified by the accounting officers of the Treasury, claims for credits rejected by those officers. But they do not profess to define the nature of those credits, except that the section requiring the defendant to make oath that he is equitably entitled to the credits claimed by him, warrants the inference that claims of merely a technical legal character are not to be allowed as set-offs, but only such as are actually founded in equity and justice. In the present case the claim of the bank has been presented to the accounting officers of the Treasury, though as no account existed to which it could be referred, nor any appropriation for its payment, nor any legislative sanction to justify its allowance, the application to the accounting officers was necessarily followed by its rejection. They could not have allowed it without a palpable breach of duty. For the present, however, it may be taken for granted, for the purposes of this part of the case, that if a suit be brought for the recovery of the dividends, the preliminary affidavit required by law will be seasonably filed. The formal requisites will therefore have been complied with; but the material question, whether the claim can be allowed as an off-set, will still remain. Before this question can be decided in the affirmative, it must appear, *first*, that the claim of fifteen per cent. damages is valid and equitable; *secondly*, that, by the law and practice of Pennsylvania, in which State the trial must be had, claims of this nature may be set off; and, *thirdly*, that there is nothing in the constitution, treaties, or laws of the United States to render the State law inapplicable. The first of these points has already been determined, so far as the Attorney General is competent to decide it, against the bank, by the opinion of my immediate predecessor in office, as stated to the Treasury Department in his communication of the 24th of May, 1833. The reasons on which that opinion was founded were not then explained; but you will find them fully stated in the accompanying correspondence between Mr. Taney and myself, which I have the honor, in compliance with your request, herewith to transmit to you. And although you have not requested my opinion on this point, yet, to prevent misapprehension, I think it proper to state my entire concurrence in the reasoning and conclusions contained in the letter of Mr. Taney. If these views are correct, it is obvious that the set-off must necessarily be rejected. But suppose the court before which the trial is had, should come to a different conclusion, and that the legality and justice of the claims should be satisfactorily established, will the law of Pennsylvania allow it to be set off? After a careful examination of the statutes and judicial decisions of that State, I have no hesitation in answering this question in the negative. The law of Pennsylvania on the subject of set-offs, like that of the other colonies, was originally the same with the English common law as it existed at the time of their settlement. At common law no deduction or set-off could be made from the plaintiff's demand for any debt, damages, or duty claimed by the defendant, unless the latter arose out of the same transaction or subject-matter with the former, and unless the opposing claims were thus directly connected with each other. Distinct and independent demands could only be sued for by the respective parties, in separate actions. This rule of the common law was afterwards varied, and the right of set-off extended, for the benefit of defendants, by statutes passed in the reign of George II.

In the mean time, however, several of the Colonial Legislatures, anticipating the parent country in the improvement of this branch of the law, and, among others, the Assembly of Pennsylvania, had, by their own acts, extended the law of set-off, discount, or defalcation, (for it is known by each of these names,) much further than it was subsequently carried by the English Parliament. The colonial act of Pennsylvania, passed in 1705, and yet in force, provides, that "if two or more dealing together be indebted to each other, upon bonds, bills, bargains, promises, accounts, or the like, and one of them commence an action in any court of this province, if the defendant cannot gainsay the deed, bargain, or assumption, upon which he is sued, it shall be lawful for such defendant to plead payment of all or part of the debt or sum demanded, and give any bond, bill, receipt, account, or bargain, in evidence." (Purdon's Digest, 177.) And provision is also made for such verdict for the plaintiff for part of his demand, or for the defendant generally, or for the defendant, certifying the amount overpaid, as the case may require.

The courts of Pennsylvania, in order to prevent circuity of action and needless expense, have given to this law a very liberal construction; but I find no adjudged case which would sanction, in a case like the present, the set-off of such a claim as the one now under consideration. On the contrary, several decisions are reported, which appear to me to be decisively against it.

1. The supreme court of Pennsylvania have decided, in the case of the Middleton and Harrisburg Turnpike Company *vs.* Watson's administratrix, (1st Rawle, 330,) that an agent sued for moneys received by him for the use of his principal, cannot be allowed to set off moneys expended by him in the payment of debts against his principal, without showing a special authority for that purpose. In delivering the opinion of the court, Judge Rogers holds the following language: "The defence is, that the money was expended by the agent in the purchase of debts of the company, and this, the administratrix contends, is a legal set-off against the demand of the plaintiffs. The relation of principal and agent is well settled: as long as the agent acts within the scope of his authority, and no longer, he is protected. It was the duty of Watson to collect and pay over the funds as they came to his hands. It was for the company to direct the application of the money, when in the treasury, or under their control, to the discharge of their debts, the repair of the road, or whatever purposes they might suppose most beneficial to the corporation. This they have been prevented from doing, by an assumption of power by their agent, and a misapplication of the funds of the company. If such a breach of trust should be permitted, it would, in practice, lead to great abuses, by introducing a scene of peculation and fraud the most disastrous, and of the most secret and dangerous nature." The soundness of these principles is too obvious to require comment. They are

in unison with the enlightened morality of the civil law on the same subject. "There are some debts," says Pothier, (Treatise on Obligations, part 3d, ch. 4, of compensation, [or set-off,] § 1,) "against which the debtor cannot oppose a compensation.

"1st. In the case of spoliation, no compensation can be opposed against the demand for the restitution of the things of which any person has been plundered, according to the well-known maxim, *spoliatus ante omnia restituendus.*"

"2d. A depositary is not admitted to oppose any compensation against a demand for the restitution of the deposite."

The remarks made under the first head, upon the relations which exist between the bank and the Government, and in respect to its character and responsibilities as a depository of public moneys, so far as respects the moneys in question, will be sufficient to show the application of these principles to the present case.

2. The courts of Pennsylvania have recognised the distinction above noticed, between the cases of individuals and those between individuals and the Government; and, on the ground of this discrimination, have excluded, in Government cases, claims for set-off growing out of other independent transactions. In the Commonwealth *vs.* Mattach, (4 Dallas, 303,) the defendant, who had been clerk of the Senate, was sued for the recovery of moneys paid to him to defray the contingent expenses of that House. Upon the trial, the defendant proved that he had expended, for the use of the Senate, considerably more money than he had received; and he claimed a verdict for the amount of his advances, and also for a certain retrospective compensation to which he claimed to be entitled by virtue of an act of Assembly. But, after argument, the court declared, "that the defendant could not indirectly recover from the State a substantive, independent claim, by way of set-off, any more than he could directly recover a debt due from the State, by bringing a suit against her. That the present action was brought to compel an account for money received for the use of the Senate; in which the defendant, if he proved that the money received was so applied, would be entitled to a verdict; but that even then he could not be entitled to a verdict for the amount of his advances, which the Senate alone was competent to allow." Only a general verdict for the defendant was therefore recorded. The case of the United States *vs.* Wells, (2 Wash. C. C. R., 161,) recognises the same principles, and from the nature of the case, as well as from the court in which it was decided, (the circuit court of the United States for the Pennsylvania circuit,) is peculiarly pertinent to the present discussion. The action was brought to recover a balance due from the defendant as a collector of the excise duties. He had been an active officer, in resisting the opposers of the excise law, in the western counties of Pennsylvania, and in consequence of his activity, his house had been burnt by the insurgents, and other injuries had been done to his property. By an act of Congress, passed 1795, upwards of eight thousand dollars was placed at the disposal of the President, to aid such of the officers of Government, and citizens, who had suffered losses in their property by the insurgents, as, in his opinion, stood in need of assistance. The President appointed commissioners to view and value these losses, who had reported that the defendant, amongst others, had suffered to a considerable amount. He received seven or eight hundred dollars; much less than the sum mentioned in the report. The subject of full compensation was afterwards brought before Congress, and a favorable report made by the Secretary of the Treasury, to whom the subject was referred, which was rejected by the Committee of Claims. The defendant, on the trial, claimed the difference between the estimated value of his losses and the sum received, to be considered by the court and jury, as so much paid by him to the United States, in part of what was demanded of him in the action. He also claimed to be entitled to the one-half of certain penalties incurred by persons against whom he had informed, but who were released from those penalties by the general amnesty granted by the Government. Both points were decided against the defendant, and Judge Washington, in delivering the opinion of the court, held the following language: "Neither of these claims, on the part of the defendant, can be supported. The first is made upon the generosity of the Government, which might be very proper if presented to the legislative branch of the Government, in its real character of an imperfect obligation. But the attempt to enforce it in a court of justice cannot possibly succeed. It could not be countenanced, even against an individual. Let the defendant's counsel call it by what name they please, it is nothing more or less than to off-set a claim of damages sustained by a public officer against the Government. An appeal has been made to the liberality, and we think the justice of the proper department, which did not succeed. It is impossible for us to assist the defendant."

He also remarked that "the claim of the penalties was quite as unfounded. At most it was only a claim for damages, which, being unliquidated, could not be off-set."

3. The courts of Pennsylvania have also, in the construction of their statute, adopted the rule which, I believe, universally prevails where set-offs are allowed, of refusing to allow the set-off of debts not due to, and from, the respective parties, in the same right in which they sue or are sued. Thus, a person suing in his own right, for a debt exclusively due to himself, is not liable to have deducted from such a debt a claim existing against him as a trustee, and for which he has not made himself personally responsible. The justice of this rule is too apparent to need remark, and the observations made under the former head, as to the fiduciary character sustained by the United States in the drawing of the French bill, and the obvious fact, that in a suit to be brought for the dividends, they would prosecute in their own right, and for a debt exclusively their own, will show the application of this rule to the present case.

4. Another limitation of the right of set-off, adopted by the courts in Pennsylvania, which also prevails in the other States and in England, is, that unliquidated damages cannot be the subject of set-off, unless they arise from a breach of the very contract on which the plaintiff sues, or are otherwise immediately connected with the cause of action. The case of the United States *vs.* Wells, above cited, is an authority for the general rule, and many other decisions to the like effect might be cited from the reports of the State courts. In the application of this rule, the very point under discussion has been considered and decided in a Pennsylvania case by the circuit court of the United States for the third circuit. I refer to the case of Armstrong *vs.* Brown, (1 Washington's Circuit Court Reports, 34,) in which it was ruled by Judges Washington and Peters "that the drawer of a bill which was protested, having paid 20 per cent. damages thereon, (the law of Pennsylvania allows 20 per cent. damages,) cannot, in an action against him by the acceptor on another account, off-set them against the acceptor, who had funds in his hands to have paid the bill, because they are unliquidated damages." This decision was reiterated and followed in the same court in the case of De Taslet *vs.* Crouslat. (2 v. 504.)

It seems, therefore, to be very plain, that if this case were to be exclusively decided by the law of Pennsylvania, that law, liberal as it is on this subject, would not allow the proposed set-off. But even if the law of Pennsylvania were otherwise, there are several statutory provisions of the United States which forbid the set-off in question, and which must of course prevail. The statutory provisions particularly applicable to this subject, to which I now think it needful to refer, are the act of the third of March, 1795, "for the more effectual recovery of debts due from individuals to the United States;" the third and fourth sections of the act of the 3d of March, 1797, above quoted; and the first section of the act of the 3d of March, 1809, also above quoted. When the third and fourth sections of the act of 1797 are considered in connexion with their context, and with the act of the 3d of March, 1795, to which they are supplementary, I confess I do not perceive how it can be doubted that the credits spoken of in those sections are those credits, and those only, which are properly connected with, and applicable to, the subject-matter of the particular account, for the balance of which the suit is brought. The first section of the act of 1795 authorizes the Comptroller to issue a notification to any person who has received moneys for which he is accountable to the United States, requiring him to render to the Auditor of the Treasury, within a specified time, all his accounts and vouchers for the expenditure of the said moneys, in default whereof a suit is to be commenced. The second section prescribes the mode of serving the notification, and, when the accounts are duly rendered, directs the Auditors to proceed "to liquidate the credits to be passed for the said accounts, and to report the same to the Comptroller, with a particular list of any claims which shall have been disallowed by him." Provision is also made for a hearing before the Comptroller on the claims disallowed on the "suspended credits," upon formal notice to the claimant; and where this course of proceeding is pursued, the decision of the Comptroller, if against the claimant, is declared to be final and conclusive. The law of 1797 was apparently intended to authorize the accounting officers to dispense with the formal notifications required by the act of 1795, and has led to the practical abrogation of the former mode of proceeding; but whenever credits are spoken of in the act of 1797, that term, as I conceive, is used in the same sense as before. It is certain that the accounting officer cannot lawfully allow, in the settlement of any particular accounts, any credits not appertaining to such accounts; and there would seem to be no propriety in requiring, as an indispensable prerequisite to a credit on the trial, that the party shall have previously presented his claims to the accounting officers for their examination and decision, and shall have obtained such decision, unless the claims so to be presented were to be of such a nature, that the accounting officers, if satisfied as to their validity, might, under their general authority, or by the special direction of the head of the department, where such direction is required, lawfully settle and credit them to the party. In other words, the same limitation as to their general nature must be applied to credits claimed at the trial, which would have been applied to credits claimed before the accounting officers; the object being to enable the judicial tribunals to review the decisions of accounting officers on claims within the jurisdiction of those officers, and to correct them if erroneous; and not to authorize those tribunals to make allowances for claims without such jurisdiction. Any other construction of these sections renders them not only quite unnecessary and useless, but repugnant to the laws and usages in force at the time of their enactment.

But if any room for doubt could exist as to the original construction of these sections, I think it must be removed by the first section of the act of the 2d of March, 1809, which expressly enacts, "that all warrants drawn by the Secretary of the Treasury on the Treasurer shall specify the *particular appropriations* to which the same are to be charged; and that the moneys paid by virtue of them shall be charged to such appropriation in the books kept in the Comptroller's office." The same section also provides that "the officers, agents, or other persons, receivers of public moneys, shall render *distinct accounts of the application of such moneys, according to the appropriation under which the same shall have been drawn;*" "and that the sums appropriated by law for each branch of expenditure, in the several departments, *shall be solely applied to the objects for which they were respectively appropriated, and to no other.*" In all cases, therefore, where the moneys sought to be recovered have been received from the *Treasury,* the credits to be allowed on the trial must be strictly confined to the same general subject with the cause of action; as, otherwise, the explicit injunctions of the law of 1809 will be evaded and defeated. For whenever, in the settlement of any given account, a credit is allowed, whether by the accounting officer, or through the medium of a set-off, for disbursements, services, or claims, which, though just in themselves, belong to another head of appropriation, it is plain that the provision just recited will be violated, and that the moneys appropriated to a particular object, so far from being "*solely applied* to that object, and *no other,*" will have been appropriated to other purposes. If I am right in this view of the object and effect of the several statutory provisions to which I have now referred, it will follow, that to all the former objections there is also to be added, as resulting from these statutes, the decisive objection, that the claim for damages in the present case is not, within the meaning of the acts of Congress, a claim for any such *credit* as can be admitted on the trial, because it does not belong to the same general subject with the cause of action, but grows out of other and independent transactions.

I have been the more particular in stating the grounds of this objection, from an apprehension that some remarks of Mr. Justice Story, in delivering the opinion of the Supreme Court in the case of the *United States vs. Wilkins* (6 Wheaton, 135) might otherwise seem to warrant a contrary opinion. In that case the defendant, an army contractor, was to be paid for rations delivered under his contract, in certain cases, fourteen cents each; in certain other cases eighteen and a half cents each; and in another class of cases the price was to be subsequently agreed on. He received from the Treasury certain moneys, on account of this contract, under appropriations applicable to it. In the adjustment of his accounts, the accounting officers allowed him only the lowest contract price for considerable quantities of rations alleged by him to have been delivered at such places, and under such circumstances, as to entitle him, in some instances, to a higher price to be agreed on, and in other cases to the eighteen and a half cents; but his claims to these enhanced credits were rejected, and such deductions made in the price charged by him, as to reduce the rations to fourteen cents each. It was to recover the balance of public moneys, which, according to the account as thus settled, still remained in the defendant's hands, that the action was brought. The defendant, on the trial, produced the contract, together with the proper evidences of the Treasury settlement, and undertook, by evidence and otherwise, to show that, under the contract, he was entitled to the prices charged by him, and that the deductions and disallowances were, therefore, improper and unjust. Among other questions certified by the court below, the fourth was as follows: "If the defendant be entitled to any of the above sums, can he be permitted to claim a verdict for them in this suit?" After observing that the answer to this question might materially depend on the true construction of the act of Congress of the 3d of March, 1797, Mr. Justice Story quotes the third and fourth sections of that act, and then makes the following observations: "The terms of these sections are very broad and comprehensive. The third section manifestly supposes that not merely legal, but equitable credits, ought to be allowed to debtors of the United States by the proper officers of the Treasury; and the fourth section prohibits no claims for any credits which have been disallowed at the Treasury, from being given in evidence by the defendant at the trial. There being no limitation as to the nature and origin of the claim for a credit which may be set up in the suit, we think it a reasonable construction of the act, that it intended to allow the defendant the full benefit, at the trial, of any credit, whether arising out of the particular transaction for which he was sued, or out of any distinct and independent transaction, which would constitute a legal or equitable set-off, in whole or in part, of the debt sued for by the United States. The object of the act seems to be to liquidate and adjust all accounts between the parties, and to require a judgment for such sum only as the defendant, in equity and justice, should be proved to owe to the United States. If this be the true construction of the act, which we do not doubt, the defendant might well claim a credit in this suit for the sums due him, even if they had grown out of distinct and independent transactions; for he is legally, as well as equitably, entitled to them. But, even if this construction of the act were doubtful, upon the facts of this particular case, as far as we can gather them, we should have probably come to the same result. This suit seems to have been brought by the United States for the money price of certain provisions received by the defendant under the articles of agreement. The real object of the suit is, therefore, to procure an account and settlement of that claim. It forms an item in the general account between the parties, like every other advance made by the Government to the defendant; and, independent of any statute provisions, the defendant would have a right to show that he had accounted for the value of such advance, by delivering the equivalent provisions for which it was originally made. In this view, also, the fourth question might be answered in the affirmative." This last position of the learned judge is certainly correct, and on this ground the decision was unquestionably right. The credits claimed grew out of the very subject-matter on which the suit was founded, and, had the accounting officers allowed them, would have gone to the same head of appropriation under which the moneys paid to the defendant had been drawn. And so, too, though credits rejected at the Treasury were, in this case, ultimately allowed under the decision of the court, those credits were still applied to the object for which they had been appropriated, and to no other.

It will have been seen from my prior remarks, that I do not concur in the suggested construction of the act of 1797; and, more especially, that, instead of regarding it as a substantive enactment defining and enlarging the law of set-off, I consider it as imposing restrictions on the right of party and the power of the court, and as intended to confine set-offs, in Government cases, to credits appertaining to the same general account which forms the subject-matter of the suit, and to those only which the accounting officers might, either under their general authority, or by special direction from the head of a department, lawfully have allowed. Some of my reasons for thus dissenting will appear from the observations already made, and I forbear to pursue the point, because, as the decision in the case of Wilkins does not depend on the validity of this construction, but may be sustained by other and indisputable reasons, that part of the opinion which relates to the act of 1797 may well be regarded as merely a *dictum*.

It is also proper to state that this part of the case does not appear to have been very fully discussed at the bar: and that the act of 1809, above quoted, was not referred to in the argument, and, therefore, probably escaped the notice of the court. May I not add, that, had this latter act been known to, and fully considered by them, it would assuredly have led to some qualifying remarks? That the learned judge who spoke for them would, at least, have confined the right of set-off to credits growing out of transactions, which, though technically distinct from that for which the party was sued, were yet really connected with the same subject, and embraced within the same general head of appropriation?

Before I quit the case of the *United States* vs. *Wilkins*, I will also observe, that although the *dictum* I have quoted has been cited by the court, and to some extent recognised in the subsequent cases of the *United States* vs. *Ripley*, (7 Peters, 25,) and the *United States* vs. *Fillebrown*, (7 Peters, 48,) yet it will be found, on a careful examination of these latter cases, that they contain nothing in opposition to the views above presented. In the case of *Ripley*, the claim to credits was overruled by the court, and in that of *Fillebrown*, as well as in that of the *United States* vs. *Macdaniel*, (7 Peters, 1,) the credits allowed were for extra compensation and commissions in the discharge of the trusts by virtue of which the moneys sued for were received. The credits claimed, whatever other objections might be made to them, did not grow out of distinct and independent transactions.

Upon the whole, I am of opinion, on the several grounds, and for the various reasons above stated, that the deduction by the bank, from the Government dividends, of the controverted claim of that institution against the United States, and the retaining of the moneys so deducted, are unauthorized by law; and that, in a proper suit to be instituted for such moneys, the United States will be entitled to recover the whole amount thereof.

I am, sir, very respectfully,
Your obedient servant,
B. F. BUTLER.

To the Hon. Levi Woodbury,
Secretary of the Treasury.

[Accompanying the Annual Treasury Report.]

E.

Annual report of the Commissioner of the General Land Office.

General Land Office,
November 29, 1834.

Sir: In presenting for your examination, and for that of the Government, and for the consideration of Congress, the annual report of the operations of this office for the entire year of 1833, and the first three quarters of 1834, it affords me much pleasure to state that the sales of the national domain are annually encreasing with the tide of emigration to the West and Southwest, and the accumulating population of those fertile and extensive regions. In the time of peace and of national prosperity, with a rapidly accumulating metallic currency, the most powerful stimulus to private enterprise and general industry, it is safe to calculate that the annual amount of this branch of the public revenue will continue to increase with the means of human happiness and general prosperity. It is the province of the statesman and of judicious legislation to furnish every facility to the accomplishment of those objects which essentially contribute to national greatness, and which create those resources of defence and independence necessary to preserve the integrity of all government, and to accelerate the march of empire. The vast territory of the valley of the Mississippi, extending east and west, from the Allegbany to the Rocky mountains, and north and south, from Upper Canada to the Gulf of Mexico, presents a scene for the contemplation of the philanthropist and political philosopher, and a field for the operations of the legislator, of the most sublime character and moral influence, as connected with human society, hitherto unprecedented in the annals of the world. With a free white population greatly exceeding that of the United States at any period of the Revolution, with every means of subsistence for tens of millions of population, and with resources beyond the necessity of human wants and human convenience; with a climate more temperate and mild, and a soil more prolific and fruitful than any which has hitherto been discovered, there requires no stretch of the imagination, no genius of exaggeration, no confidence in prophecy, to anticipate the future revenue and means of strength, prosperity, and happiness which the Divinity has designed and allotted to the transmontane valley of North America.

The periods to which the quarterly accounts of the receivers have been rendered to this office, as also the monthly abstracts of sales and receipts, and the acknowledged balance remaining in the hands of the receivers, at the respective dates of their last returns, will be found in the annexed document, marked A. An unusual promptness has been observed in this part of the duty of the land officers during the past year, highly creditable to the public service. With very few exceptions the returns have been duly transmitted to this office, as required by law and the regulations of the Department.

The annexed statement, marked B, exhibits, for the year 1833, and the first three quarters of 1834, the quantity of public lands sold in each State and Territory; the amount of purchase money; the several amounts received in cash, in forfeited land stock, and in military bounty land scrip; and the amount of money paid into the Treasury. By this statement, and by a reference to my last annual report, it will appear that the sales of 1833 exceeded those of 1832 1,393,885 acres, $1,856,908 of purchase money, and of the amount paid into the Treasury $1,344,300; and that the sales of the first three quarters of 1834 exceeded those of the corresponding quarters of 1833 330,291 acres, $437,040 of purchase money, and of the amount paid into the Treasury the sum of $856,518. It is probable the aggregate amount of sales for this year will exceed those of the last, as also the amount of cash paid into the Treasury. The returns of the last quarter of the year generally present the largest amount of sales and purchase money.

The accompanying tabular statement, marked C, shows the amount of forfeited land stock issued and received at each land office, and of military bounty land scrip received, with the aggregate in each State and Territory, to the 30th of September last. On an examination of which, it will appear there has been issued, of forfeited land stock, $646,154 66, of which there has been received in payment for lands sold the sum of $632,743 85, leaving a balance, not presented at the land offices, of less than $13,500.

By the several acts of May 30, 1830, July 13, 1832, and March 2, 1833, lands were appropriated to satisfy unlocated military bounty land warrants for services rendered in the army of the Revolution, in the Virginia State line and navy, in the Virginia continental line, and in payment for United States warrants for the same service. The appropriation made by these acts is unlimited as to the United States warrants, and those for Virginia amount to 810,000 acres, for which scrip was directed to be issued. Of this quantity of the Virginia warrants, scrip has been issued for 796,820 acres, leaving a balance of 13,180 acres yet to be satisfied, for which scrip will be issued so soon as the applicants shall complete their title papers to their warrants. Statement marked D, hereunto annexed, shows the number of each description of warrants which have been satisfied under these laws; the quantity of land for which scrip has been issued; the amount thereof in money, at one dollar and twenty-five cents per acre; with the number of certificates issued, and their several totals; in which statement it will be seen that, to the 15th instant, 1,544 warrants have been satisfied, containing 894,570 acres, equal to $1,118,212 50, in 12,049 certificates of scrip; and, by statement C, it appears, of this amount, the sum of $1,008,360 12 had been received in payment of public lands up to the 30th September last. Virginia warrants have already been filed for about 500,000 acres, exceeding the amount which can be satisfied with scrip out of previous appropriations. I have no data by which to calculate the amount not yet filed; but from verbal information, I am of opinion it would not be safe to estimate it at less than 500,000 acres. It is in the will Congress whether further appopriations shall be made for the same.

The appropriation of $6,000 at the last session, for extra clerk hire for this office, exclusive of $4,000 for assistance in the bureau of Military Bounty Lands, has essentially contributed to the promotion of the public service, and has enabled me to progress very considerably with the records of the public sales, without which serious injury would have been sustained by the parties in interest, and much embarrassment to the Government. I cannot too urgently solicit from Congress the absolute necessity of continuing the requisite appropriations, as contained in my official estimates for the year 1835, and as indispensable to the future operations of this office. Six thousand dollars was also appropriated, at the close of the last session, for the writing and recording of forty thousand patents for land sold. This service has been performed at the price stipulated in the act, and the patents will all be examined and transmitted to the several land offices by the close of the present year. With this additional aid to the permanent force of the office, it is my duty to state that the arrears are constantly accumulating. On the 1st of January next the arrears of patents for lands sold will not be less than one hundred thousand, in which more than seventy thousand persons are directly interested as purchasers, and whose rights and convenience are entitled to the respect and attention of Government. The pecuniary interests of so large a class of our fellow-citizens are certainly worthy of the respectful consideration of those who administer the public affairs of the nation. I submit it to the particular examination and impartial judgment of Congress. It should also be remarked that this is but one item of the arrears of the office; the others previously reported are annually increasing, and cannot be diminished without a neglect of current duty.

The surveys of the public lands have progressed during the present year as rapidly as practicable, and to the utmost extent provided by law for the discharge of office duty by the several Surveyors General; but it is impossible for those officers to complete the public surveys in particular districts, and in numerous instances, of private land claims, without more discretionary power is vested in the Secretary of the Treasury to make reasonable allowances for services which cannot be procured for the compensation allowed by law. This is a subject which has also been repeatedly presented to the Government for its judicious legislation. I renew the suggestion, under the strongest sense of public duty.

As it is the policy of the Government, as it is the interest of the people of the Western and Southwestern sections of the Union, to facilitate the sales of the public lands by such means as will secure to that extensive territory a population of industrious and enterprising citizens, who shall be proprietors of the soil they cultivate, and inheritors of the blessings of civil and religious liberty, for which this country is so greatly distinguished; I consider it my duty again to urge upon the consideration of Congress the adoption of every necessary measure to enable this office more promptly to discharge its numerous duties, and the Surveyors General to comply with the requisitions of law in the operations of their official conduct. It is in vain to expect that the intentions of the Government, and the reasonable expectations of the inhabitants of the vast interval of the Mississippi, can be accomplished and realized without the necessary and appropriate means are provided for such objects. Vain also will be the efforts of this office, and the agents of the Government subordinate thereto, in their struggles to perform their respective duties, unless aided and supported by the efficient legislation of Congress.

I have the honor to be,
With great respect,
Your obedient servant,
ELIJAH HAYWARD.

Hon. Levi Woodbury,
Secretary of the Treasury.

Correspondence between the Secretary of the Treasury and the Bank of the United States.

Treasury Department,
December 12, 1834.

In obedience to a resolution of the House of Representatives, passed the 11th instant, "That the Secretary of the Treasury be directed to communicate to the House of Representatives, as soon as practicable, copies of the correspondence, not heretofore communicated, which has taken place between him and the president of the Bank of the United States on the subject of the branch drafts, and in relation to the claim made by the bank for damages, and the course pursued by that institution on account of the protest of the bill drawn on the French Government by the Treasury Department," I have the honor to report that the only correspondence on those subjects, not heretofore communicated to Congress, which has taken place between the president of the Bank of the United States and this Department, consists, on his part, of two letters—one received here on the 28th, and the other on the 30th ultimo.

That which related to the damages, and the course pursued by the bank on account of the protest of the bill drawn on the French Government, being deemed of most public importance, has been answered; and copies of his letter, and the reply of this Department, are herewith communicated.

The other related to the late circular from the Treasury, declining to receive the branch drafts in payment of the public dues, after the close of the present year; and as it wished the Department distinctly to "understand it is not at all against the measure itself, but only the reasons assigned for it, that any objection is made," there did not seem to be much public necessity for hastening a reply. But, as soon as the great pressure of current business in this office may permit, one shall be completed, and copies of both transmitted to the House of Representatives.

I have the honor to be,
Very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

Hon. John Bell,
Speaker of the Ho. of Reps.

Bank of the United States,
November 28, 1834.

Sir: Your favor of the 13th of July last reached the bank during my absence; and finding, on my return, that my letters addressed to you at Washington had been published in the newspapers of Nashville, it seemed useless to prolong a discussion which could only inflame the passions of the country in the midst of its elections. I have therefore forborne to answer your letter until the time had passed for a repetition of a similar appeal from the laws.

The whole case appears to be exceedingly simple. There is a difference of opinion between the Treasury and the bank about the damages on a bill of exchange. This is a matter of account which depends on the existing laws, and the acts of Congress provide specifically before what tribunal, and in what manner, the question must be tried. Thus, by the act of the 3d of March, 1797, it is provided, that if any person, accountable for public money, fails to pay it, "it shall be the duty of the Comptroller, and he is hereby required, to institute suit for the recovery of the same;" and in such a suit "no claim for a credit shall be admitted upon trial, but such as shall appear to have been presented to the accounting officers of the Treasury for their examination, and by them disallowed in whole or in part." The bank has accordingly presented its account for damages, which has been disallowed. It has then retained a sufficient amount of public money for the purpose, and invited a suit by the Treasury, so as to bring the subject before the courts. It did this, and so stated it, "as the best, if not the only mode" of settling the question. But as the money itself was an object of indifference to the bank, which sought only to vindicate its own rights, and the retaining it was a mere form to comply with the act of Congress, the bank at the same time requested from the Secretary to know whether there was "any other mode of submitting the rights of the respective parties to the judicial tribunals more acceptable" to him; and would instantly have released the money, on any arrangement with the Treasury to bring the case before the courts.

There is a still more summary process of obtaining a decision. By the act of Congress of May 15, 1820, if the public money be withheld, the First Comptroller of the Treasury can issue a warrant of distress against the party in default, who may then appeal to the courts of the United States.

Either of these courses is open to the Executive. If it choose neither, the bank, having done its duty, is content. Before the proper tribunal the bank will always be ready to prove—

1. That the bill of exchange on the French Government was drawn without the slightest authority whatever from that Government to draw it.
2. That the bank proposed to the Treasury to collect the money as its agent, and not to pay it until it was received from France, thus avoiding the very embarrassment which has occurred; but this the Treasury declined, and requested the immediate payment by the bank as a purchaser.
3. That, of the money so paid by the bank, the whole was immediately appropriated by the Treasury, and a part used in the current expenses of the Government.
4. That when the bill was protested in Paris, as was inevitable, and the money paid by the agents of the bank, to save the credit of the Treasury, the claim of damages by the bank was an indispensable act of duty, as that alone would enable the Treasury to claim damages from the French Government, which, if the Treasury had any right to draw at all, were as much due as the principal.

That the universal and inflexible rule of the Treasury is to make every one pay damages; and as it has required of the stockholders of the bank to pay damages when their bills sold to the Treasury have been protested, so should it now pay damages to those stockholders, when they in turn have bought a bill from the Treasury which becomes protested.

All this will be made manifest whenever the Treasury resorts to the proper tribunal. Until then, it seems unjust to prejudge the question, and quite fruitless to discuss it.

I have the honor to be,
Very respectfully, yours,
N. BIDDLE, *President.*

Hon. Levi Woodbury,
Secretary of the Treasury,
Washington, D. C.

Treasury Department,
December 11, 1834.

Sir: Your communication of the 28th ultimo, acknowledging the receipt of my letter of the 13th of July last, relative to the detention of the public dividends by the Bank of the United States, was duly received.

After a silence of more than four months, coupled with the hostile position the bank had assumed, it was supposed that you did not contemplate entering into further correspondence in respect to this subject; and especially was it supposed that a correspondence would not be resumed with an avowed view to any explanations or new arrangements, at so late a period that your communication could not reach this Department until the day previous to that session of Congress to which, you had been early apprized, a report would be made on the whole of the proceedings of the bank in this extraordinary transaction.

Presuming, therefore, that the bank ought to have felt all the reluctance expressed in your letter, "to prolong a discussion" on that transaction, which cannot but be admitted, from its unprecedented and unjustifiable character, was well calculated to "inflame the passions of the country," and that this circumstance might naturally have led to the postponement of a reply till after "the elections," yet no reason is assigned in your explanation, whatever may be the reason conjectured by others, for the failure to forward that reply immediately after the popular elections had terminated, and in season for a suitable examination of its contents before Congress convened.

But it would be unjust to the bank not to return thanks for the very considerate sentiment expressed in your apology for the first delay—a wish not "to prolong a discussion which would only inflame the passions of the country in the midst of its elections." This Department regrets that so powerful a corporation, though perhaps unable to restrain, and therefore not so responsible for the harangues of some of its advocates, on whatever days, places, or occasions, had not, in its own resolutions, reports of committees, and essays and pamphlets, published by its president, under a vote "to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank," earlier used a little more effort to practise the same forbearance from attempting "to inflame the passions of the country." How fitly the bank can now become the censor of the President or this Department for also communicating "to the people information on the nature and operations of the bank," and that information consisting only of official correspondence on both sides, must be left to others to decide.

Your last letter having at length been received, and having, as appears, been already sent to the newspapers by the bank, without waiting for a reply, and before one, in the great pressure of business at this season, could be expected, its contents are, in some particulars, found to be so very extraordinary in their tone, in their allusions and assertions, that, unpleasant as the task is, this Department has, under all the circumstances, felt constrained to submit such remarks in relation to them as are deemed appropriate, and as seem imperatively to be required. The bank may, therefore, sir, rest assured that though your letter arrived so late as to prevent the submission of it to the President before preparing his annual message, or to the Attorney General before his opinion was requested on the case, and as to deprive the undersigned from offering any due comment on it in his report to Congress concerning this subject, yet, in relation to the affair of which it treats, an "appeal from the laws" has never, as you appear to intimate, been made by this Department, nor is one in contemplation. Any such "appeal" is left to those who, without the sanction of an appropriation by Congress, or without a legal precept, seize upon the public property, and convert it to their private emolument. But, after a violation of the rights of the United States, and a diversion of its revenue from the Treasury and the public service, into the vaults of the bank, if the latter expects that the Chief Executive Magistrate of the Union or the Secretary of the Treasury will be silent, and not communicate early and full information concerning the outrage to the people and their representatives, and that those public officers are to be deterred from this discharge of a solemn duty, because the bank entertains an opinion that such a course is "an appeal from the laws," you have yet to learn that both the character of that Chief Magistrate, and the obligations of duty entertained by this Department, have been greatly misapprehended.

In proceeding to the other contents of your letter, it is conceded with you "that the whole case appears to be exceedingly simple." The bank sets up a claim against the United States; it is presented, and disallowed by the accounting officers, because considered in itself neither equitable nor legal, because it had never received the sanction of the United States by an appropriation, and because, if just, no branch of the Government, except Congress, had any constitutional power to authorize its payment.

Thereupon the bank, instead of resorting to Congress for that sanction, proceeded, without it, and without any legal precept, to seize on the dividends belonging to the United States, and to convert them to its private use. The vital error of the bank on this subject appears to have been in supposing that the Treasury and its accounting officers were any thing but mere agents of Congress to superintend the settlement of what has been appropriated. If, on the solicitation of the bank or any individual, however powerful, they allowed or settled any thing else than what had been sanctioned by an appropriation, it would manifestly be conniving at peculation, or a misapplication of the public money. It must be well known to the bank that the first and proper inquiry at the Treasury, to every applicant, is, where is the appropriation to pay the claim? And, next, where is the evidence of its correctness under the appropriation? It seems rather unreasonable to insist that the Treasury possesses almost unlimited power when the bank wants favors, but to deny to it almost all power when apprehending injury from it.

Beside all the decisive reasons against the reprehensible conduct of the bank, in this transaction, which are contained in the late message of the President, and in the opinion of the Attorney General, the bank, if it possesses, as has been intimated, another controverted claim against the United States for the removal of the public deposites, might, on this principle, in order to discharge it, or atone for any other pretended wrong, not only refuse to pay over dividends, but refuse, to the amount claimed, the payment of its notes or bills received by the Treasury for the public revenue; and, when this consideration is weighed, it will readily be seen that the whole operations of the Government, in war and in peace, while, by law, the notes of the bank must be received for the public revenue, are liable, at the pleasure of the bank, to be paralyzed, and the public faith thereby violated.

After these objections, and when the common, the equitable, and constitutional tribunal of Congress was and still is, for the bank, as for all other claimants against the Government similarly situated, open for a resort to obtain damages, it is lamented that the bank was so inconsiderately advised as to appeal to this other course, so novel, dangerous, and unnecessary, of seizing upon the public revenue, as being, in your opinion, "the best, if not the only course of settling the question." You state further, that this had been done by the bank only to "vindicate its own rights," when no case is believed to exist where a person, not receiving money as an officer or contractor of the Government, or money not previously granted by Congress under some special or general appropriation, (in which mode the bank did not receive these dividends,) has ever been able to "vindicate" his supposed "rights," by retaining the money to meet any claims, however well founded, against the Government, and when application by the bank for relief in this case had never been presented to Congress and refused, so as to furnish the slightest apology for being obliged, in order to procure redress, to resort to this unusual remedy.

But, if the views of the Department on this proceeding be erroneous, much gratification would be derived from having the particular act and clause quoted by the bank, on which it relies in making the assertion that "the retaining of this money was a mere form to comply with the act of Congress." This Department has not been so fortunate as to discover any statute, and much less the one cited of March 3, 1797, which requires of a claimant against the Government that he should, in a controverted case, seize its property, in order "to comply with the act of Congress;" nor any statute which authorizes, recognises, or palliates such a seizure, in order to force the Government into a law suit, and thus, through the agency of the Judiciary, attempt to effect the payment of doubtful claims, to which no money has been appropriated, nor legislative sanction given. The proposition of the bank to make some arrangement to have this question brought "before the courts," and the assurance now given that, in such an event, it "would immediately have released the money," would have deserved much more attention and stronger confidence, had this assurance been more promptly given, and that amicable disposition, now manifested, been earlier evinced by the bank, in having at least requested such an arrangement before the dividends were withheld. Before committing that aggression, the bank was not pleased even to notify the Treasury that it wished the question of damages settled by litigation, and it communicated not the slightest intimation of a desire to make any "arrangement with the Treasury to bring the case before the courts." But the bank having on these points preserved perfect silence, and the Department and Congress having thus been lulled into security until after the adjournment of the latter, then, suddenly and without previous notice, a portion of the accruing revenue, estimated and expected to aid in meeting the large appropriations which had just been made, and to pay the residue of the public debt, was withheld by the bank, and was not offered to be restored until after the termination of a suit, probably protracted for many years. After committing that aggression, and still withholding in its possession the money of the United States, the bank then, and not till then, "invited" this Department to bring the subject of the damages in some way before the courts, and thus indirectly to sanction the appeal of the bank from the authority of Congress over this matter, and to acquiesce, till adjusted by litigation, in the bank's unprecedented and ruinous course as to the public revenue: a course involving a principle which, under all the circumstances of this case, if once adopted, might disorganize our whole collections, by the seizure of them, without legal precept, under one pretence or another, and, as previously explained, place even our disbursements, so far as the public funds consist of United States Bank notes, at the sole mercy of an irritated and unscrupulous corporation. But this the Department could not sanction, however urgently "invited," without proving faithless to every principle of public duty and public safety. Late as even that invitation, it is remarkable that your letters expressed nothing about the money itself, "being an object of indifference to the bank," or that it "would instantly have released the money in any arrangement with the Treasury to bring the case before the courts." On the contrary, though some persons may for some time have apprehended, from certain circumstances, that money was "an object of indifference to the bank" in comparison with some other objects, yet it is difficult to discover what "rights" the bank then sought to "vindicate," except its rights to the money, and why it should be so tenacious of its rights to the money, and so indifferent to the money itself. By your correspondence at that time, the money appears to have been withheld with the express view to force the Department into a consent to pay the controverted damages claimed without any sanction by Congress, or into some arrangement to submit to the Judiciary for decision a question which, under the constitution and the circumstances of this case, belongs to Congress alone, and after that decision, and not till then, if unfavorable, to make a restoration of the dividends the bank had so unexpectedly seized in derogation of the laws. It was not "until the time had passed for the repetition of a similar appeal from the laws" by the bank to cover its other intimated claim for damages on account of the removal of the deposites, with any probable hope of public approbation in favor of its new mode of aiding the fiscal operations of the Government, and not till after those "elections" to which you refer, may, in your opinion, have terminated so disastrously to its hopes, that the bank professed a perfect "indifference" about the money, and a willingness to release it in case an arrangement was effected for a suit at law.

How a suit could still proceed, and the money be first released or repaid, must be left to the bank for further explanation, as it is incomprehensible to this Department, unless effected through some fictitious case, to be agreed on, in order to deprive Congress of its constitutional power over appropriations to settle contested claims against the United States, and which agreement you may rest assured that this Department has as little inclination as it has legitimate power to make.

It may be proper then to state, further and distinctly, that the submission of the whole case to the wisdom and authority of Congress appears to the Treasury to be the only suitable course, and that it cannot enter into any arrangement in relation to the subject, except to receive, as requested in its communication to the bank in July last, the dividends due to the United States, and to refer the bank, as is done with other claimants in similar cases, to the justice of Congress for any damages demanded on the bill of exchange, beyond the actual expenses and costs incurred. The acknowledgments of this Department should not be omitted, for your kindness in pointing out more than one mode that might be pursued in the courts of law against the bank; but, as the advice of an opposing party is not always safest, and as Congress is competent to give directions upon the claim of the United States, and is considered the proper tribunal for adjusting the claim of the bank, your benevolent suggestions will, it is feared, prove unavailing, especially since the summary process to which you now allude, beside being open to other objections, is in express terms, and by a decision of the courts, applicable to the case only of debtors, who, unlike the bank in this instance, obtain possession of the public money in their capacity of public officers. What may be the design now in making, "for obtaining a decision," a proposition, which would doubtless fail if accepted, is best known to yourself and such "distinguished" counsel of the bank, as you cite to this Department in your other published letter of the 26th ultimo. It must be admitted that the bank, in the next place, evinces great frankness in proceeding to disclose, under five separate specifications, what it expects to prove on trial. Whether there is much likelihood that this expectation will ever be realized, others must decide; but the ingenuousness in stating beforehand to the opposite party what is to be proved against him, should not pass without due commendation, though it is regretted that, under all the circumstances, a suspicion, it may be an unjust one, has arisen, that the statement was made rather with a view to be immediately laid before the community by the bank, either to "inflame the passions," or to forestall public opinion on those points, before a reply was received from this Department.

In laying down the first position which, the bank asserts, it "will always be ready to prove," viz: "that the bill of exchange on the French Government was drawn without the slightest authority whatever from that Government," it is feared that the zeal of the bank to vindicate a foreign Government has led you to overlook the treaty, in which that Government expressly stipulates to pay "the sum of 25,000,000 of francs at Paris, in six annual instalments of four millions one hundred and sixty-six thousand six hundred and sixty-six francs and sixty-six centimes each, into the hand of such person or persons as shall be authorized by the Government of the United States to receive it." The bank appears, moreover, to have forgotten the written authority under seal from the President of the United States, which accompanied the bill, and empowered the holder, as the person designated under the treaty, and in pursuance of it, to receive the money which had then become honestly due from the French Government, and should, notwithstanding your apology, have been promptly paid, according to every principle of national good faith. In your ardent defence of a foreign country for a neglect to fulfil its treaties, and attack upon a department of your own "for acting without the slightest authority whatever," it also seems to have escaped notice that the Treasury acted, not only under the authority, before named, from France, of a solemn stipulation to make the payment to any "persons," "authorized by the Government of the United States," and that the holders of this bill were so specially authorized by this Department and the President, but that Congress had previously empowered and required the Secretary of the Treasury, by the act of July 13, 1832, "to cause this money" "to be received from the French Government, and transferred to the United States, in such manner as he may deem best." If, notwithstanding all this, unfortunately for your own country, the bank should be able to support the position that "the bill was drawn without the slightest authority" from France, you certainly will deserve her acknowledgments for the aid thus rendered to get rid probably of the whole of a claim, which she has appeared not very eager to discharge; because, if France was not liable, under all the circumstances, to pay it in that form, it is difficult to discover how she is liable to pay it in any form.

It is to be regretted that, in your professions of regard for "the credit of the Treasury," knowing then as now what its authority was for drawing the bill, you did not refuse entirely to take it, as the bank must have foreseen and believed that the money would not probably be paid on an instrument, if drawn "without the slightest authority," and that the affair would probably end in a claim by it for large damages. Were it not for the solicitude, since expressed by the bank, to accommodate the Treasury, and the "indifference" the bank now professes "as to the money," it might be inferred by some that, possessing the beforementioned opinions, and pursuing the beforementioned course, it must have meditated originally a speculation as to the protest and expected damages.

What seems at first rather inexplicable, is, that the bank, knowing and being "ready to prove" that this Department drew the bill "without the slightest authority," and hence could not require France to pay any damages if the bill was protested, should yet insist that the claim of damages by the bank was an "indispensable act of duty to enable the Treasury to claim damages of the French Government." This great kindness towards the Government of your own country, uninvited and voluntarily to seize on its revenue, and attempt to plunge it into a law-suit at home and a controversy abroad, to enable it to obtain large damages of another country, which it must, if obtained, immediately pay over to the bank, certainly deserves all due acknowledgment. In fine, while the bank is professing to give all this friendly advice for the benefit of the Treasury, and to feel itself "a great indifference about the money," its regard for the Treasury upon this particular subject seems, when stript of all blandishments, to consist in urging the Government to demand, and to hazard a new quarrel with France to obtain large and vindictive damages, by asserting that they are as much due "as the principal;" when, in fact, the United States are entitled from France to only the reasonable and actual damages sustained, and when large and vindictive ones are to be sought in behalf, not of the Treasury, but of the disinterested institution which is urging this indefensible measure; and when, if such aggravated damages are obtained, they are expected to go at once and exclusively, not into the Treasury, but into the vaults of the bank, or, which is virtually the same, are to supply the place of the great amount of public revenue the bank has already on this account seized and withheld.

But notwithstanding this, if now, or at any other period, the bank shall, as alleged, be ready to prove that "the money was paid by the agents of the bank to save the credit of the Treasury," the favor will be cheerfully acknowledged by this Department, as in that event no right in the bank to the aggravated damages claimed against the Treasury, and which has led to the outrage of seizing on the public dividends, could well be pretended to exist. It is hoped that as you profess to consider that "the claim of damages by the bank was an indispensable act of duty," you will also not hesitate to perform another equally "indispensable act of duty," by furnishing, as early as practicable, the evidence to prove the point just mentioned, since, if such evidence is furnished, not only should the aggravated damages be relinquished, but the conduct of those agents and of the bank in that particular be duly appreciated.

In that event, they of course did not pay the money for "the credit of the Treasury," for the purpose of exacting from it, on account of the professed favor, the large constructive damages of $150,000 or $170,000, but it must be presumed they paid it with a view to save the Treasury from exposure to such a claim by some foreigner who might be heartless or sordid, and whose pecuniary profit being alone concerned, might be so destitute of patriotic feeling for this country as to permit the bill not only to be protested abroad, and "the credit of the Treasury" to suffer so as to have it returned home protested, but who might thereupon immediately make a demand on the Treasury beyond the actual damages and costs sustained, and even for great, and it may be properly added, penal damages, and to pursue this demand in so inexorable a spirit as not to wait for the decision of Congress upon it, but, without legal precept, or any previous noitce of his design, to seize upon a large amount of the public revenue for the purpose of discharging it. In relation to your third head of proof, "that, of the money so paid by the bank, the whole was immediately appropriated by the Treasury, and a part used in the current expenses of the Government," it gives me pleasure to attempt a correction thus early of these misapprehensions.

This Department has, in the reports sent here monthly by the direction of the president of the bank, statements which show that the amount standing to the credit of the public in the bank, which of course includes its branches, was at no time after the purchase of the French bill, on the 11th of February, 1833, until the formal return of the money to the bank, on the 18th of May, 1833, less than eight millions of dollars. That, of this, at no time was less than four millions left in the bank and its branches to the credit of the Treasurer, subject to draft for any purpose, and that the residue was deposited on account of the public debt, and of the public collecting and disbursing officers. So that, whatever sum of money may have been "appropriated by the Treasury," "or used" between those periods, it still left in the vaults of the bank and in its use, standing to the credit of the Treasurer, at the times of all your intervening returns, a sum from three to four millions beyond the amount of the bill, or from three to four times more than the amount which you had, in form only, paid to the Treasury, or passed to its credit in trust for the numerous sufferers by French spoliations; and no part of the sum received on the bill was ever so "appropriated" or "used" by the Treasury as to be carried into it by warrant, or it could not, until Congress should have passed a new law, have refunded, as it did, the whole amount the moment notice was given of the protest of the bill.

In regard to the practice, which you cite, of this Department, in charging damages on ordinary bills of exchange bought of individuals who sustain no official relations with the Government, and who neglect to provide funds abroad to meet those bills, and to pay punctually our creditors and officers in a foreign country, it is hardly necessary here to show the difference between the two cases in both form and substance, after the preceding remarks, and after the views contained in the first opinion of the Attorney General published with the late annual report from this Department. Still less is it necessary to show further, that, in none of those cases, probably, did the idea ever enter into the imagination of the officers of the Government, that they ought, in order to obtain the damages due, and often actually accruing to the full amount received on protested bills, to resort, without either notice, lawful process, or a previous adjudication, to a seizure of the property or dues of the individuals who drew and sold them. As, in conclusion, you give assurances that "all" your allegations "will be made manifest whenever the Treasury resorts to the proper tribunals," this Department takes the liberty to renew the expression of its opinion that it has already resorted to the proper tribunal in the first instance, by submitting this whole transaction to the consideration of Congress, where you will doubtless be indulged with an opportunity, if desired, to make all your charges "manifest." But the bank may rest satisfied that it will be long, unless otherwise directed by Congress, before this Departmeut, however urgently "invited" by the bank, will consent to enter into any arrangement, or to institute any proceedings, which, under existing circumstances, will, in their operation, be likely to take from Congress, and transfer to some other tribunal, the power to adjust controverted claims, when no law has been passed, nor appropriation made to pay them, and which will be likely to break down those salutary checks and distinctions between the legislative and judicial departments as to the disposal of the public money, which the people and the States have, with much clearness and wisdom, established in the great charter of their Union. For ample views on the law and equity of the whole case, and for any further reply which may be proper to any of the principles advanced in your letter in support of the extraordinary claims and proceedings of the bank, you are referred to the late annual report from this Department, and to the opinions of the Attorney General that accompany it.

Had the bank thought more of following, in its own example, the salutary advice it so frankly bestows on others, not to "prejudge" or "discuss" this question of its claim to damages, and had it omitted to "prejudge" or "discuss" it in the report of its committee last December, and in your letter now under consideration, the preceding remarks in relation to it would most cheerfully have been forborne. This Department has now very reluctantly, but in the manner that seemed to be required by the tone and contents of your communication, replied to such portions of it as appeared to merit notice, and can sincerely conclude, with the consoling reflection uttered by yourself in behalf of the bank, that, "having done its duty, it is content."

I have the honor to be, sir,
Very respectfully, yours,
LEVI WOODBURY,
Secretary of the Treasury.

N. Biddle, Esq.,
President Bank U. S., Philadelphia.

Report from the Secretary of the Treasury on the compensation and number of Custom-house Officers.

Treasury Department,
December 15, 1834.

A resolution passed the House of Representatives, July 24, 1832, "That the Secretary of the Treasury be directed to furnish the House with a report of such an arrangement as he may deem best calculated to compensate the officers of the customs, by substituting salaries for fees."

Another passed the Senate, June 28, 1832, "That the Secretary of the Treasury be, and he is hereby, directed to prepare and report a bill to the Senate, in the first week of the next session, to fix and establish the salaries of the officers of the customs throughout the Union."

In obedience to these resolutions, measures were taken by this Department to procure the requisite information from the different collectors, for enabling the Secretary of the Treasury to comply with their directions in a satisfactory manner.

It is understood that such information was not obtained in season to report to Congress at its session in 1832 and 1833; and that all the papers in relation to the subject, which had been procured before April, 1833, were destroyed by the conflagration of the Treasury building.

Between that calamity and the last session, the information desired had not again been fully collected, and hence the subject was further postponed, and has devolved upon the present head of the Department.

The Senate, on the 26th of June, 1834, passed another resolution, "That the Secretary of the Treasury be directed to report to the Senate, at the commencement of the next session of Congress, the amount of revenue collected, the number of entrances and clearances, and the amount of tonnage entered at each of the custom-houses of the United States, the amount and rate of commissions charged by each of the collectors on the revenue collected by him, and the amount of fees received at each of the custom-houses for each of the two last years." "Also, the number of officers of every description employed at each of the custom-houses, the amount of emoluments of every kind received by each of those officers, and the expenses incident to their respective offices for each of the two last years; stating whether such emoluments arise from commissions, salaries, or fees, and how much from each of these sources; and stating, also, whether any, and if any, such of these offices or officers as may be dispensed with, without injury to the public service."

Without having yet procured that information from the collectors, which furnishes much essential aid in respect to the principles supposed to be involved in the correct fulfilment of the wishes of Congress expressed in the foregoing resolutions, it has been deemed better to use the facts now in the possession of the undersigned, derived from the different custom-houses, from public documents and from various other sources, than to defer longer a decisive action on a subject in which due economy and efficiency in the collection of the revenue are considered by some to be deeply concerned.

In submitting the views of the Department on the subject of salaries instead of fees to custom-house officers, it is also contemplated, as was intimated in my annual report, to suggest such an increase or diminution in the number of officers to receive salaries, and in the whole compensation to each, as the present and expected condition of the collection of the customs, so essentially changed in many places within a few years, seems to require.

This extended inquiry, if not coming strictly within the spirit of a reply to the two first resolutions, is distinctly embraced in the third one, so far as regards the number of officers that can be dispensed with, and is believed to be a proper subject for a communication to both Houses of Congress, partly in answering their special calls, and partly in discharging the general duty of this Department, to recommend all alterations of laws in respect to the management of our revenue which the public interests appear to demand.

In connexion with the answers to the above resolutions, it has therefore been deemed more convenient and useful to consider the other kindred subjects, than it would have been to discuss them in the annual report: and consequently the Department on that occasion postponed, and has here examined them together.

These last inquiries, however, relate to so thankless and invidious a task that they would cheerfully have been omitted, did not a strong conviction of their propriety and urgency at this time require me to invite the attention of Congress to some reform in those parts of our collection system.

The whole revenue collected from importations has become reduced about one-fifth of its whole amount, and the particular collections in many districts have fallen off in a much greater ratio; while, in a few others, they have somewhat increased. Other districts, once of more importance, in consequence of their frontier position, and increased labor and responsibility in guarding against violations of the revenue laws, have become of less importance since the duties have been so reduced as to remove most of the inducements to illicit trade; and a consequent reduction of salaries, and the number of their officers, seems, in a public and financial view, to be practicable, safe, and economical.

Others, on account of their quantity of tonnage engaged in foreign trade, in coasting, or the fisheries, have had increased or diminished labors devolved on them, independently of the collection of the revenue and the prevention of smuggling; and hence should have a number of officers, and a compensation allowed to them, in some degree proportionate.

Others have an extent of seacoast, and a number of subordinate ports in charge, which should exercise an influence not only on the number of their officers, but on the amount of their salaries. Care has been taken that all these circumstances should receive due consideration; and the Department has endeavored to weigh them properly in the classification of the salaries, and the number of officers assigned to particular ports, in the tables and bill annexed, (A, B, C, D, E, and F.) The whole of these officers having heretofore, so far as regards their salaries and commissions, been paid out of the revenue before its proceeds were brought into the Treasury, the change in the mode of compensation, from fees, commissions, and a salary, to a salary alone, as is supposed to be judicious, if not necessary, on account of the falling off in the collections, and consequently in the fees and commissions in many places, will not materially increase to the public the whole cost of collections. But taking the whole amount of salaries, and the whole number of officers now proposed, it will be seen that a very material reduction will be effected in the whole sum which is now paid in all forms, and from all quarters, though in some cases, where the present amount of commissions and fees and the present number of officers have been found insufficient in places where they formerly sufficed, the salaries and number of the officers have been recommended to be augmented at such ports, so as to correspond with the present character and importance of the business.

In relation to the course proper to be pursued hereafter on the subject of fees, different modes will be submitted to the discretion of Congress, as some doubt exists which may be the most eligible. One is, to let the same nominal fees, whatever their amount, be paid as heretofore, and to require the whole to be rigidly accounted for, and deducted from the gross amount to be received as a salary, and, when exceeding that amount, the surplus to be paid into the Treasury. But, if considered best not to take the money for salaries jointly from fees and the general revenue, and to abolish entirely the present system of fees, which is perhaps preferable, as that system is, in some degree, unequal and burdensome, another mode will be to take all the salaries from the revenue alone. A third mode, which, however, is open to several objections, will be to supply any deficiency in the fees, or to provide for the whole salaries, by imposing a small additional duty on the cargoes or tonnage of vessels, to be expended for this special object, but which hardly seems necessary or expedient in the present condition of the Treasury.

In order that the pecuniary effect of either course may be understood, it has been ascertained that the whole fees paid in 1831, '2, and '3, on an average, are supposed to have amounted to only about $172,000 annually; while the whole expenses already paid out of the revenue to custom-house officers, and others aiding in the collection, have, during those years, been, on an average, about $1,261,877 annually. By the table (A) is exhibited the tonnage owned in 1832, the tonnage entered in 1833, and the gross and nett amount of revenue collected, and the number of officers in 1833, in each district in the United States. It exhibits also the ratio of gross revenue and of tonnage in each, and the average sums to each officer of the whole collected in each, as well as the ratio of the whole expenses to the whole collections in each. The disproportions in both the compensation and number of officers at ports similar in business is sometimes great. The table (B) shows the pay, in 1833, to each officer in the customs at each port in the United States; and though it exhibits a great difference between some officers of the same class, yet that difference is often much in proportion to the importance and extent of labors and responsibility attached to their different ports, and, where it is not so, has been altered in the plan and bill hereafter recommended. Perhaps, on the whole subject, the best general rule, with a very few exceptions, would be to take the payments of 1832, before the occurrence of the last very essential change in the tariff, and consequently of fees and commissions, and to provide that the number of officers, and amount of compensation to each, except in the cases hereafter proposed to be modified, should form the basis of an arrangement of the districts into proper classes on some established and sound principles, and should continue much the same as those principles may require at all places where the gross receipts continue the same, or do not vary so as to come within the proportions of any other class. To prevent capricious and frequent changes hereafter, and yet to meet any considerable alteration likely to prove permanent, it is recommended that in cases where, for two years in succession, the revenue, &c. shall hereafter vary to the extent of ranking any port in any higher or lower class, the compensation and number of its officers may be reduced or increased to those of the appropriate class, so far as the number can be changed, and still preserve the necessary organization for the actual business, and for due protection against illicit trade. Public accommodation would, on the one hand, thus be consulted in the case of a considerable increase of revenue and tonnage, and public economy regarded, on the other, in a diminution of the compensation and number of officers, if the amount of either tonnage or revenue became sensibly and permanently reduced.

In ports where the revenue collected pays but a small part of the expense, it will be seen by the tables (C and D) that a reduction has been made or provided for in the numbers and pay of officers, wherever the tonnage is also small, and the port not much exposed to smuggling. In this way, several districts, it is proposed should be discontinued, as not entitled to separate collectors, and the expenses of them considerably reduced, by attaching them to other districts, and assigning to them a deputy instead of collector. Only the maximum of salary has been fixed in the different classes, except so far as to adopt the present compensation for the time being when not exceeding that maximum. If such a course be approved by Congress, it will enable this Department to make a gradual reduction in the salaries and officers at ports in those classes which from time to time may cease to be very useful, either for the collection of revenue, or the accommodation of the public as to clearances and entries, or the prevention of smuggling in the diminished temptation now offered for it. At the same time it will enable the Department to preserve the present salary, if within the maximum, where no essential change in business has occurred; but if one has, or should occur, then to confer an adequate augmentation, within the maximum. There is an equitable operation in rendering the whole compensation in this way, though in form a salary, yet in a certain class of cases, on some established principles, alterable, so as to correspond, in some degree, to the increased or reduced labor and responsibility of the annual duties devolving from time to time on officers at particular places, any two years in succession, or long enough to evince a change somewhat permanent.

In pursuance to these views, it is recommended to arrange the different collection districts in the United States into eight classes, after abolishing eight of the present number of one hundred collectorships, and to make these classes correspond nearly with the ratios and rules above named, and, at the same time, with the relative importance, in all other respects, of the business within their boundaries. Provision has been made, first, and by itself, for that of New York, on account of its vast proportional amount of commerce compared with any other, and then for the residue, in the order of their whole fiscal importance. This arrangement, in all its details, may be seen in the table annexed, (E) It is next proposed to prescribe the number and rank of officers, and the salaries deemed proper at this time to each grade of them in the different classes, with a maximum as to the salaries and the number of the officers in various grades in all the classes. A table (C) is annexed, which shows, first, the highest number of officers to be allowed of any rank in any class; the number in each district in each class in 1833, and the number proposed to be adopted, in the existing state of the business, at each. Another table (D) is annexed, which shows the highest salaries to be allowed to the different grades of officers in each class, the compensation to them in 1833, and the salaries recommended to be paid in future. These tables have been prepared substantially on the hypothesis before mentioned, as will be seen by a careful examination of their different columns. By these propositions a reduction will be made in various districts of six collectors, fifty deputy collectors, two naval officers, eight surveyors, eleven appraisers and assistants, sixty-eight permanent inspectors, thirty-five weighers, gaugers, measurers, and markers, and one clerk, and an increase of seventy nine temporary inspectors, one temporary weigher, &c., and leaving the great balance of one hundred and one on the side of reduction. The temporary inspectors, weighers, gaugers, measurers, clerks, &c., will be left much as heretofore, in respect to the actual expense of those probably employed, though an increased number is, in some cases, authorized when needed. A maximum is proposed as to the number of these officers, whether permanent or temporary, in order to guard against abuses. The number of deputies to collectors paid by the Treasury is limited to one at each place where duties are paid in each district; and no deputies are allowed to other officers than the collector, at the public expense, except in the two highest classes. The number of surveyors is not to exceed the number of ports of delivery in each district, and none are to be permitted at the ports of entry in the two lowest classes. The number of appraisers is not to exceed what is now allowed as appraisers and assistants, and none, except in the four highest classes; and no naval office is permitted at any port, not in those classes, after the terms of the present incumbents expire. By this plan, the whole compensation now recommended for all the present officers of the customs, proposed to be retained, will, within the maximum, and in the present state of business, and modified as suggested in tables C and D, probably amount to about $918,831, while, at present, it exceeds $1,088,981, making a saving of over $177,150. If the whole system of fees be abolished, a still further reduction would be made in the number of clerks at some of the large ports. The compensation to each class of officers is also believed to be rendered more commensurate, in most places, with the labor and responsibility imposed, than is now the case, being, in some instances, enlarged absolutely, and in others open to an advance or reduction in a suitable state of the revenue and tonnage. If an act should be passed, adopting essentially its provisions, and the rule by which the Department may, in certain events, change the number and compensation which have before been established, it is believed the law will prove highly convenient to the public, and result in greater economy, and equal efficiency and safety, in the collection of our revenue from foreign importations. To present a general and condensed view of the scheme as to salaries, it is proposed, as a maximum in the first class, that the collector shall receive $5,000; in the second, $4,000; in the third, $3,000; in the fourth, $2,500; in the fifth, $2,000; in the sixth, $1,500; in the seventh, $1,000; and in the eighth, $500; but, in all these classes, that the amount of compensation to each grade of officers shall remain as at present, if within the sum proposed as a maximum, till altered by the Secretary of the Treasury. It is next provided that, as a maximum, the naval officers shall receive three-fourths, the surveyors two-thirds, and the appraisers one-half of what is paid to the collectors under whom they serve; the deputies one-third of what is paid to their principals; the permanent inspectors of customs, weighers, gaugers, measurers, and markers, a uniform sum as a maximum, of $1,100 to the first, and to the others $1,200 a year, in the districts in the first and second classes; $1,000 to each in the third and fourth; $800 in the fifth and sixth; and $500 in the seventh and eighth classes. The next provision is, to divide the clerks in the first two classes into two grades, with a limitation of the highest salaries to them differing in different districts, and to pay temporary inspectors of customs, weighers, gaugers, measurers, &c., not over two and a half dollars per day; boatmen and laborers, to assist the weighers, &c., and for other purposes, the market price; and to make a reasonable allowance for rent where there is no custom-house, and for fuel and stationary in the large districts in the six highest classes.

Some provisions extending, or declaratory of, the power of surveyors, under the new arrangement, so as to enable them, beyond controversy, in all cases, when resident at ports where no collector is stationed, to clear and enter coasting and fishing vessels, is much desired; and though the power is considered by many to exist now, yet it has been added to the bill in order to remove doubt on a point so conducive to public convenience and economy. The reasonableness and necessity for such a classification as has been thus recommended, for a reduction in the compensation and number of officers in some places, and an increase in others, will be more manifest on a close inspection of the details and comparisons in the various tables annexed, (A, B, C, D, and E.) They show the whole number of districts which have collectors to be one hundred, and the number of independent ports, organized by the act of March 2, 1831, which have not collectors, to be six, and the whole number of officers in the customs to be about 1,203; which is an average of near twelve officers to each district. Some of the districts, however, differ so greatly from others in their importance, that they have nearly about 300 officers to only 1 in others. Though this appears, in many cases, very disproportionate, yet the true test on that point is the amount of labor required at the different ports, either in collecting or guarding the revenue, or in attending to the tonnage, entering and clearing; and if these correspond with the number of officers at each, the apparent disproportion, as to numbers, will disappear. Accordingly, the gross as well as nett amount of revenue accruing in each district, in the year 1833, has been ascertained, and the number of officers in each, compared with the gross revenue collected, has been computed. The result, in many cases, exhibits no very considerable disparity; but, in others, it appears to be very great; and though, in some instances, to be satisfactorily accounted for by the necessity of certain officers in certain places, merely to guard the revenue against smuggling at exposed points, and on a great extent of frontier, yet, in other instances, it cannot be justified in the present condition of our navigation and trade, and has, therefore, been attempted to be corrected. It will be seen, also, that the compensation sometimes varies from $200 to $4,000 to an officer of the same rank; and, in a ratio to the whole amount collected in different districts, that the whole compensation paid to all officers in each varies from one thirty-seventh of the collections to two hundred and fifty times their amount. The difference, however, must, of necessity, be considerable between the compensation of the same class of officers and the ratio of gross expenses to the gross revenue, at different places, according as the imports are very large or very small. Though the revenue may be very small, and the comparative expenses, therefore, still greater, yet the port will sometimes be found important enough to justify keeping up a separate custom-house organization, in some instances, for public accommodation, and, in others, for protection against smuggling. It may be further noticed that, in some cases, the average amount of gross revenue collected by each officer annually, if the whole was apportioned among them, would be nothing; in others, only $4 or $8 each; while, in some cases, it ranges as high as $39,000 and $40,000 to each. It appears that the largest average amount collected by each often happens in those ports where the number of officers is now nominally greatest. The average of the whole collections by each officer in the United States thus apportioned is about $20,244. In the result in the several States as States, in which any collections of the customs are made, it will be seen that the revenue there collected, if apportioned to each officer, is larger, extending to about $36,000 to each; while, in a few, as in the State of Delaware and Michigan Territory, it is much smaller, falling to only about $100 each, and in the State of Mississippi to only $10 each. Another striking view of the other point in this analysis is presented by the same table, in the whole compensation paid to all these officers in the different districts, compared with the whole amount there collected by them. In fifty-five instances, the whole compensation exceeds the whole amount collected, and, in some cases, exceeds it from two hundred to two hundred and fifty fold. In all other cases the compensation falls short of the collections, but it varies in its proportion to the gross revenue there collected, from one thirty-first and one thirty-seventh part of it to three-fourths and seven-eighths of it. The average compensation paid in all the districts, compared with the gross revenue, is about one twenty-second; and the departure from this, in each district and State, will be very apparent, and often remarkable, on an examination of the table. But the great excess that is sometimes exhibited in the ratio of compensation over that of collection, will be found to arise, in most cases, from the very small amount collected, rather than from the very large amount paid for services; and, in many cases, those districts where it occurs will be found to possess a large ratio of tonnage, and to be on a frontier exposed much to illicit trade, or to contain a very large extent of territory, or one embracing numerous small ports to be accommodated and guarded. All these circumstances have been weighed in the final classification of these districts as to the proposed number and compensation of their officers in future.

The amount of tonnage owned, and that entering in each district, also varies greatly, compared with the number of officers, but sometimes in such a manner as to counteract and correct, in some degree, the inequalities between the different districts in the amount of revenue collected. The average for each district, owned in 1832, was about 14,000 tons, or one hundredth of the whole; and it varies from about 299,000 tons, or one-fifth of the whole, to only 127 tons, or one fourteen thousand four hundredth of the whole. The disparity in that entering different districts is also great. But, as the business, labor, and responsibility connected with the mere tonnage, such as entries, clearances, &c., is much less than those connected with the collection of the revenue, the second column in the table (F.) shows the few changes that have been deemed expedient to be made in the classification of particular districts on this and other accounts before mentioned, from what would have been their station, if having regard to revenue alone.

As before remarked, it has been deemed indispensable that some discretion, in relation to salaries in all the classes, should be exercised by the Treasury Department, because the duties performed are so different in different districts within the same class, and especially in the two lowest classes, and the complexity would be so great if the classification be extended further than has now been attempted. But this discretion being limited in the manner recommended, by a maximum in all, and by certain fixed principles in others, it is supposed that there cannot be much danger of injury or injustice from the exercise of it. So, in the number of officers of certain grades in different districts, though a like amount of revenue is collected, or a like amount of tonnage is entered, or owned in them, some discretion has been proposed to be given within prescribed limitations, for the following reasons: The same amount of revenue may accrue in different districts from different classes of articles, requiring in one case more officers than in others to collect it, and the tonnage may be of a different character, giving more or less trouble; and the number of ports to be attended to, and length of coast or frontier in one district, may be double or triple what it is in another of the same amount of revenue and tonnage. Again, the business of one district may be large, but be confined principally to free articles, such as teas, coffee, pepper, &c., while that of another is small, but engrossed chiefly in articles paying high duties. But, independent of a provision granting some discretion, with a view to reach such and similar instances, the attempt has been made to take away the exercise of discretionary power in every practicable case, and in those to confine it, as far as practicable, within safe and judicious limits.

The statements required by the second resolution of the Senate, as to the fees, commissions, salaries, and number of custom-house officers, so far as regards the present year, could not be made in season to aid in the preparation of this report, or even to accompany it.

But it will be seen that other statements of a similar character, and of as recent date as could, with convenience, be had, have been employed by the undersigned, and he will in a few days be able to submit those desired by the resolution. It is not expected that the details or whole results of the two past years will exactly correspond with each other, or that those of the year 1833, as now ascertained and reported, will exactly agree with those before ascertained and published soon after its close. But it is not apprehended that the difference will be great, or will affect materially the arrangements recommended in this report.

The bill annexed has been prepared in conformity substantially to the principles and facts before suggested, and contains a few miscellaneous provisions connected with the customs, which are proposed for adoption.

The first section provides a maximum for the salary of the collectors and all other officers in eight classes, arranging the different districts into those classes, first, on a general basis corresponding to the gross amount of collections in each, and the consequent labor and responsibility; and then making such departures from this basis as the peculiar importance of some districts, the labor, vigilance, and fidelity in them on account of tonnage, fisheries, position on a frontier, or extended coast, though the collections at them were smaller, seemed to require. The same section provides for the payment of surveyors and naval officers, and the deputies of them and collectors, in classes arranged on similar principles, except that those surveyors, who are the chief officers at certain independent ports, and are empowered to collect duties, are placed in a distinct class, and receive as a maximum something over the amount which would otherwise be paid to them on the principles before mentioned. Fractional sums have been omitted in making these additions, and some other small departures introduced for purposes of greater uniformity. The same section provides, in a ratio somewhat similar, for the payment of inspectors of customs, appraisers, weighers, gaugers, measurers, and markers, clerks, and of all custom-house officers, excluding those of revenue cutters, (and of all boatmen and laborers employed by them.) The whole are to be paid the same amount as at present, until the 30th of September next, and afterwards as now, till modified by the Secretary of the Treasury, but not exceeding the maximum in any case.

The second section limits the number and grade of the several officers in each of the classes of districts, so as to correspond with the principles mentioned in the first section, with the exception of such small departures as were known to be required by the peculiar business in particular districts. More than one office is allowed to be devolved on one person, but, in that event, not over $200 is to be added to his salary on account of such additional office. It further provides that all persons now or hereafter filling the office of inspector of the customs, weigher, measurer, gauger, or marker, may be required, and is authorized, to perform the duty of either without any addition being made to his compensation therefor, as in this way expense will occasionally be saved, and the public convenience promoted. It abolishes certain collection districts, and attaches them to others adjoining, and provides for appointment of certain officers under this act in the recess of Congress; and it alters the name of the naval officer to that of supervisor, and limits that grade to the four highest classes.

The third section requires all the fees hereafter received to be accounted for towards the salaries provided; and, when an excess occurs, that it shall be paid into the Treasury; and, when a deficiency occurs, authorizes the quarterly payment of it from the revenue in the usual way. But in the alternative that the whole system of fees be abolished, it contains a provision for the payment of all salaries and expenses of collection from the general revenue. It further provides for rent and fuel, &c., in certain cases.

The fourth section prohibits the increase above the maximum, or the diminution of the salaries of officers of any kind, in any of the above classes and districts, beyond what is proposed for each class, except a change in the revenue or tonnage occurs for two years in succession, justifying it on the principles before laid down; on which event, it is the duty of the Secretary of the Treasury to make the increase or diminution accordingly, if the district be not large enough in extent, or peculiarly exposed to smuggling, or possessed of a great proportion of tonnage.

The fifth section provides for the power of surveyors at detached ports from that where the collector resides, allowing them to clear and enter coasting or fishing vessels, &c.

The sixth section allows entries to be made in certain cases where informalities exist, on the joint approbation of the collector and naval officer, and, on the sanction of the same officers, allows the entries in certain cases of drawback to be completed; and, where no naval officer exists, on the approbation of the collector, sanctioned by the Treasury Department, on a report of the case.

The seventh section repeals all former laws on this subject, so far as relating to these points, and so far as inconsistent with the provisions of this act.

The undersigned has thus discharged the duty assigned to him by the three resolutions aforesaid, with such additional suggestions and recommendations, postponed from his annual report, as his official situation, and his sense of what was due on this occasion to the public interests, seemed to require. No one can more regret than he does any personal inconvenience or pecuniary loss which the operation of those changes may produce in some particular cases; but he has felt bound to look to public considerations alone; and trusts that, in most instances, the general welfare will be greatly promoted by the changes, without any very serious embarrassment or injury to many individuals.

All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

Hon. John Bell,
Speaker of the House of Representatives.

PUBLIC MONEY.

Report of the Secretary of the Treasury, on the present system of keeping and disbursing the Public Money.

Treasury Department,
December 12, 1834.

In conformity with a suggestion made in the annual report from this Department, the undersigned now proceeds to submit to Congress some further considerations on the present system of keeping and disbursing the public money.

It is one of his general duties to present annually a view of the condition of our finances. An essential part of that condition is the manner in which the revenue is kept, from the time it is collected until it is disbursed. Another of his duties is to digest and prepare plans for its management; and he is expressly required to "give "information to the Legislature respecting all matters which shall appertain to his office."

Considering the unusual excitement that has attended the measures and discussions of the past year, connected with the above subjects, it would, probably, be deemed a neglect or an evasion of proper responsibility, if the undersigned did not submit full information concerning the places where our revenue is now deposited and kept; the principles on which the selection of them by this Department is justified; the mode in which the existing system for the preservation and disbursement of the public money has been found to operate; and the advantages or disadvantages which are likely to result from a return to any former one, or from the adoption of any proposed improvements in the existing system. He will, therefore, proceed to the performance of this delicate and difficult task with an unfeigned distrust of his competency to treat those subjects in a manner becoming their great importance, but, at the same time, with a firm resolution to endeavor to discharge the duty, so far as in his power, with fearlessness, impartiality, and fidelity to the public.

In regard to the places for keeping the funds of the United States, it is believed that, under our first organization of a common treasury, no such places were ever designated by law, unless sometimes the loan offices, and unless, for such funds as were wanted in the field, the military chests accompanying the army may be so considered. The residue of the funds is supposed to have generally been deposited for safe keeping, as the Committee of Congress, when having charge of them, or the Treasury officers, when such had been created, were pleased to direct; and it is well known that by them banks were selected for this purpose as soon as any were incorporated in convenient places, under either State or Federal authority.

After the present constitution was adopted, the usage continued the same until 1809; no law having ever been previously passed, which required the deposites of public money to be made in the first United States or any State bank. But, from 1789 to 1791, it appears that the Bank of North America, in Pennsylvania, by which State as well as by Congress it had been incorporated, continued to be employed by the officers of the Treasury under the direction of the Secretary, and in the exercise of his supposed legal power over this subject.

The three banks of Massachusetts, New York, and Maryland, incorporated in those States, under those respective names, were also in the same way next selected and used. After 1791 the former United States Bank was, by this Department, voluntarily added to the number. In 1809, by the act of March 30th, the first express legislation took place as to the use of any banks whatsoever as places for the public deposites, and that extended only to "the public moneys in the hands" of disbursing officers, and required them to be kept, "wherever practicable," in some "incorporated bank," and that bank to be selected or "designated for the purpose by the President of the United States." The deposites by collecting officers were left untouched, they having been already, as before named, usually placed in banks, and those banks selected, not by the Treasurer, or Congress, or the President, but by the Secretary of this Department, or by his direction, under the power confided to him by acts of Congress, of supervising the finances and the doings of the subordinate officers in the Treasury. A committee of the House of Representatives, May 22, 1794, made a very able report on the condition of the Treasury, in which, on this point, they remark, that "the Treasurer, pursuant to general directions from the Secretary of the Treasury, keeps the public moneys under his control in the several banks," &c. In February, 1811, before the charter of the old bank expired, but after its renewal had been refused, Mr. Gallatin, by his own act, and not by orders to the Treasurer, and without consulting Congress, then in session, proceeded to select other banks, incorporated by the several States, and to remove to them the deposites of the public money. As appears in his report to the House of Representatives, January 8, 1812, he entered into arrangements with them in many respects similar to those now in operation.

After this change, the usage and law on this subject continued unaltered till 1816, when it was provided in the charter of the present Bank of the United States, "that the deposites of the money of the United United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons for such order or direction."

Whether this was or was not intended to include the deposite of money in the hands of disbursing as well as collecting officers, all difficulty was avoided on that point by the President, in giving directions, as has lately been done, to have the same banks used by the former as were used by the latter class of officers.

In the discussions of 1814, which led to that charter and the above reservation, it was distinctly averred to be necessary that such a reservation or power should be retained, in order to ensure to the Government some further control over the bank in case of the adoption of the provision in the bill, giving to the former only five out of twenty-five directors. Because, in a case like that which has been witnessed during the past year, a distinguished advocate of the present charter, with the spirit almost of prophecy, declared, "twenty directors would always vote down the five proposed to be appointed by the Executive, if there should arise a contest between the Government and the bank. But there was another means of protecting the Government against the bank, more potent and certain than any such provisions: let the United States retain the power over its deposites, and over the receipt of bank notes in payment of duties and debts to the Government, and it would possess a sufficient control over the bank."

The power to remove the deposites from the bank, thus reserved to the Secretary of the Treasury in the charter, was exercised in repeated instances, to a limited extent, within the first three years after the reservation was made, as well as to a larger extent on a more recent occasion. But the power reserved to Congress in the charter, to withdraw from the notes of the bank the credit given by the Government's receipt of them in payment of all its dues, has never yet been exercised, though still possessed in full force, and originally intended as a legitimate weapon to counteract or punish any improper conduct on the part of the bank towards the Government. It is well known that, about the 1st of October, 1833, in the manner provided by the charter in the clause just quoted, a change in the places of deposite was made from the United States Bank and most of its branches to certain State banks, by the direction of the Secretary of the Treasury, and under the controlling power on this subject exercised by that officer from the first organization of this Department; repeatedly recognised and approved by Congress before 1816, and at that time expressly reserved to him by Congress in the charter to the present bank. In consequence of the above-named change in the place of deposite, the general accounts of the Treasurer and most of the public officers have, since last October, been gradually brought to a close with the United States Bank and most of its branches; and arrangements are in progress to dispense with the services of all of them on general subjects before the charter shall expire, and soon, if practicable, without great inconvenience or expense to the public.

For certain special objects, such as the payment of the debt and of pensioners, (the last not construed to include the persons provided for by the acts of Congress of May, 1828, and of June, 1832,) the bank and all its branches have yet been retained as depositories and agents, under an impression that it had, by previous acts of Congress, a right to perform these duties, until relinquished by its own consent, or until the acts were repealed.

After the charter shall expire, no difficulty is anticipated in having any of these duties, which may then remain, discharged by State banks. But if any should occur, it will become necome necessary to devolve these duties on some responsible receiver or collector already in office, or on some agent not now in office, as has been the practice for years in this country in paying pensions at convenient places, near which there was no State bank or branch of the United States Bank, and as has long been the usage in some countries in Europe, by having the public revenue in certain districts chiefly received, kept, and transmitted through private agents and brokers. This kind of personal agency, however, is, in the opinion of the undersigned, to be avoided, in all practicable and safe cases, under our present system of selected banks; because it would render the system less convenient, less secure, and more complex, if not more expensive. Hence, it has not yet been resorted to.

But it was considered proper to mention this contingency, in order that its effects, if ever anticipated, may beforehand be duly weighed in the examination of the whole subject; and to add that, if this contingency be extended to the whole establishment of State banks, as well as of the United States Bank, on the possibility that they may all cease to exist, or may refuse to receive and manage the deposites, (however improbable the occurrence of such an event may be,) the fiscal operations of the Government could undoubtedly still proceed, through the personal agencies before mentioned. It is admitted however, that it would be at some inconvenience, and some increase of expense, unless remedied in a manner that may hereafter be developed, and would not, in the opinion of this Department, and in the present condition of things, be so eligible a system as the present one. Because banks, though exposed to some dangers and evils, and though not believed to be necessary for the fiscal purposes of any Government, and much less of one in the present happy financial situation of ours, are frankly acknowledged to be, in many respects, a class of agents, economical, convenient, and useful.

A document is annexed, giving, first, a schedule of such State banks, amounting to thirteen in number, as had previously, to about the 1st of October, 1833, been selected and retained in connexion with the United States Bank; another list, of twenty-six in number, of such as were then, and have since been, selected under the general arrangements adopted for the chief deposite banks; and a third list, of three in number, of State banks, since selected for limited purposes, and with limited duties, like many of those before 1883. (A.)

Some of these selections, and the consequent changes in deposite, it will be seen, have been made since the last session of Congress. But as the reasons to justify the general removal of the public deposites from the United States Bank were assigned to Congress at the proper time by the proper officer, it is not deemed either necessary or pertinent to offer any new ones in justification of the changes made since, merely to complete the measures previously arranged, commenced, and vindicated.

But the power of removal being distinct from the reasons assigned for the act of removal, and, having been exercised subsequently, wherever the new banks before named have, in suitable places, and in fulfilment of the system then adopted, and for the reasons then stated, been selected, it has been considered proper to suggest the usage and laws under which this power of removal or selection has been exercised by the Secretary of the Treasury on the last occasions, and probably on all previous ones. The same usage and laws will doubtless be considered a sufficient justification for a continuance of the exercise of the same power by this Department, under a due sense of its duties and responsibilities, until Congress, the body conferring the power, becomes convinced that it is liable to be used for reasons not satisfactory, and should therefore be withdrawn, and either confided elsewhere, as, in the case of disbursing officers, it is now confided to the President, or be reserved to be used only by Congress itself, whenever a case arises in which it deems the exercise of such a power proper. The laws passed by Congress, and the fiscal regulations made in conformity to them, now in truth govern the whole subject. The money itself is rather in the virtual control of those laws and of Congress, the body making them, than in the control of any one officer, or any number of officers. No executive officers of any kind have even the possession or custody of that money, except as mere ministerial agents, and then they have it in pursuance of those laws and regulations; and, when those are constitutional, are bound, and have a right to exercise it in the due and necessary administration of them.

Their possession and custody of it exist generally in that way, though thus becoming in almost every case a constructive, and not an actual possession or custody, unless they are collecting or disbursing officers, who hold the money before or after it goes into the Treasury. But even then they usually deposite the money early in some bank, as before explained.

While the money is considered to be in the Treasury, whether by construction of law, or in point of fact, it is ordinarily in the actual possession or custody of some third person, in most cases a bank corporation: and the Treasurer himself, or the Secretary of the Treasury, or any other officer, however they may, in the manner before named, have the custody of the money, or may alter the mere places of its deposite, are no more empowered to take money out, or remove it from, the Treasury itself, than any stranger, except to discharge an appropriation made by Congress, and on a warrant having the sanction of all the officers required in ordinary cases by the laws and the established regulations. A copy of such a warrant, in the form invariably used the last four years, is annexed for the information of Congress. (B.)

Having described the places where our revenue is now deposited and kept, and the principles on which the selection of them, by this Department, is justified, the undersigned will proceed to offer some considerations on the other topics proposed, as to the mode in which the existing system for the preservation and disbursement of the public money has been found to operate, and the advantages and disadvantages which are likely to result from a return to any former one, or from an adoption of any supposed improvements in the existing system. On this occasion, and in the present financial condition of the country, these are believed to be not only legitimate subjects of inquiry, but such as require that all the information in the possession of this Department, tending to elucidate them, should be promptly and unreservedly communicated to Congress. To discharge that duty with any degree of clearness or satisfaction, it will become indispensable, at the risk of being considered tedious, to enter into an analysis of the subject, and to submit such remarks as are deemed appropriate—

On the convenience of the location of the selected State banks, when compared with any other system for the accommodation of the public officers as well as of the public creditors;

Their safety as depositories;

Their comparative ability to transfer the public funds to the places where they are wanted, and to perform any other services properly required of a fiscal agent;

Their commercial utility in respect to exchanges;

The goodness of the money in which their payments are made;

Their comparative aid as bearing on commerce and political economy in the regulation of the currency of the country at large; and, in connexion with these several topics,

The advantages or propriety of resorting to some other system instead of the present one, improved as it may be, and which other shall resemble that recently in operation under the United States Bank; and, in order to secure the supposed superiority of such a one in any respect, to provide for a new incorporation of some national bank, either with or without an amendment of our present constitution.

1. In regard to the convenient situation of the selected banks, whether looking to the accommodation of the public officers or of the public creditors, it is believed to be fully equal to that of the United States Bank and its branches. Some banks have been chosen in places in which none were before employed, and in this respect facilities for deposites and payments have been furnished nearer to some points where our collections and disbursements are very considerable. In this way, as it is now an established rule, being practised in most cases, by this Department, and revised and republished in 1827, to make payments generally at the banks nearest to the residence of the public officer or creditor to be paid, or to the place where his services were performed, the payments under the present system have been made equally near, and sometimes nearer than formerly. The departures from this usual course never occur without the consent, and, indeed, the request of the persons interested. So far as these departures may in any cases be deemed favors to those persons, they were formerly granted on application to the Department, under such circumstances as the public interests, on the assignment of satisfactory reasons, appeared to permit. The same course of indulgence is now pursued; it is that most convenient to the public in general, as well as to the Treasury, and the only one feasible under any system, without incurring the unnecessary and inconvenient expense of furnishing funds enough at every different point of collection and disbursement to meet, not merely the ordinary and usual expenditures in the neighborhood of each point, but all the drafts which caprice, speculation, or a high rate of exchange, might induce officers or creditors to draw on places greatly remote from their residence, or from the theatre of their public services.

2. The safety of the newly selected banks is the next subject of inquiry. The chief change in this respect, under the present system, has been in procuring the separate responsibility of several institutions for separate and smaller sums of money, instead of the single responsibility of one institution for a very large sum, and in having the guaranty of State laws and State supervision over the conduct and solvency of these separate institutions, combined with the information and cognizance of this Department and Congress as to their condition and prospects, by means of their weekly returns and other general sources of intelligence, instead of the guaranty of the acts of Congress, and the supervision of the United States Government over the single institution formerly and chiefly employed. Considering these differences, coupled with the fact that the selected banks, without disparagement to others, are, or ought to be, chosen from the most flourishing and secure; that they can be changed whenever any circumstance may indicate a change to be prudent; and that collateral security can be required whenever the deposite is so large as to seem to render it judicious; that the Government possesses superior advantages in case of their embarrassment, and that the whole capital stock must be lost before the deposite debt will become desperate; there certainly can be no very disadvantageous comparison in theory between the safety to the Government under the present rather than the former system.

In practice, thus far, no loss whatever has been sustained by any of the newly selected banks, nor does any particular reason exist for anticipating a loss. It is due to them to remark, without derogating from the reputation of other banking institutions whose condition is less accurately known to the Department, that the weekly returns of the selected banks show all of them to be in a secure, and most of them in a very flourishing condition; and that the whole of them united, on the 1st day of July last, possessed specie, in proportion to their notes in circulation, greater than did the Bank of the United States, or the Bank of England, on the 1st of January last; and that their immediately available means to meet all the immediate demands upon them, including the whole of their large public and private deposites, have since been constantly improving, and are quite equal to those of most banking institutions in existence, and to what is required by the most approved banking principles.

A table illustrating this subject has been prepared from the latest returns and estimates accessible to the Department, and is annexed. (A A.)

The losses which have formerly been sustained by the General Government through the failure of certain State banks, selected, according to the impressions of many persons, principally, if not entirely, between 1811 and 1816, or between the expiration of the old and the passage of the new charter of the United States Bank, have been frequently adduced as objections to the safety of the present system, and, without some detailed examination and careful discrimination, are, it is freely admitted, calculated to awaken some doubt as to its ultimate practical security.

But it is a memorable fact, connected with this inquiry, though often represented otherwise, that not a single selected State bank failed between the expiration of the old charter and the grant of the new one; and that none of our losses included in our unavailable funds happened until some time in 1817, after the United States Bank was in operation. Then, whether "destroyed by an exertion of the power of the bank" alone, or, as is more probable, by numerous causes combined, it appears, from a careful analysis of the unavailable funds, which we have now, and formerly had on hand, that some of the selected State banks became embarrassed.

From the course of public collections and disbursements, and the balance of trade, having both been in favor of the East against the West, and from a desire to sustain the new operations of the United States Bank, a transfer of funds through its agency, and a consequent drain of specie from the Western deposite banks, then took place. Then the Government stocks, acquired by the patriotic loans of some of the State banks during the late war, were in some degree sacrificed in several instances, to enable them too early and suddenly to resume and support specie payments; and, by means of these and other causes united, seven out of about sixty selected banks proved unable to meet all the demands on them with promptitude. Had the change to specie payments been less sudden, and further time been given to transfer deposites which had long been accumulating in the paper of various banks, and which were large in amount, and very inconvenient and expensive, at once to convert into specie and remove to a distance, it has been conceded by an officer of the United States Bank itself, that no failures of the selected banks, at that time, would probably have happened. As it was, the whole indebtedness of the seven, as deposite banks, when they failed, was only $139,010; and they have since paid to the Government $133,169, on that and bills of theirs held by the Government elsewhere. These payments, if all applied in the gross to discharge their whole deposite liabilities, would leave due, independent of some interest, only the small sum of about $6,000; or, if applied to each bank respectively, only about $17,000, as can be seen more fully in the tabular statement. Whether the Government, or the United States Bank, whichever had most agency in the course adopted, acted with indiscretion in pressing them so suddenly, severely, and in a manner so different from that pursued in England two years after, in the resumption of specie payments there, it is not now difficult to decide, especially when we find that, under all the calamities from that course, and other causes, those seven banks have since adjusted so nearly their whole liabilities as depositories, and that one of them has adjusted every liability of every kind. A statement annexed shows the sum, without interest, now due on any account, from each of these and all other embarrassed banks, and the year of both their failure and selection, and distinguishes those which were debtors, but not depositories, of this Department. (B B.) Notwithstanding the continued operation of some of the former causes, the low prices of produce, the high rate of exchange against the West in favor of the East, in 1817, '18, and '19, and the wide-spread commercial distress in the latter year, bringing the United States Bank itself to the brink of stopping specie payments, if not of bankruptcy, it will be seen that only four more deposite banks suspended payment between 1817 and '21, and of these four within those three disastrous years, one only was in 1818, which has since paid all its debt; another in 1819, which owed only about $17,000, as a deposite bank; and two in 1820, both of which have settled every thing originally due.

Thus the truth on this much misunderstood and misrepresented subject appears to be, not only that one failure of a selected bank did not occur within the period while no United States bank was in operation, but that of those which afterwards stopped payment within three or four years, chiefly from the causes before mentioned, and a part of which causes produced eight or ten-fold as many failures in England, under the full control and influence of a National Bank there as well as here, four of the number have since discharged all their liabilities; and the residue of the liabilities of all the others, as deposite banks, in the manner before estimated, is less than $35,000. This is not the tithe of the sum which has frequently been lost to the Treasury by the failure of individual merchants to discharge only their obligations for imposts; not equal to the sum frequently lost by the failure of many single disbursing agents connected with the different departments of the Government, and under large bonds for security; not a sixtieth part of the three or four millions lost by the United States Bank in that period of severe trial, and a large portion of it on the seaboard, near the close supervision of its principal officers; nor, indeed, but a small fraction of the loss sustained by the Government through the United States Bank itself, during the same period, by the failure of the latter to pay to the former the same amount of dividends which otherwise would have accrued, or to pay dividends equal to the interest the Government was then paying the bank on the seven millions of funded debt subscribed to its capital stock; or, by its failure during even the past summer, to pay over the recent dividends on that stock which actually accrued, and have been unfaithfully withheld from the United States, to an amount exceeding more than four times all the above losses by those State banks. Without reference to the indirect injury and embarrassment caused to our fiscal concerns, as well as to the community, at the time of the short suspension of specie payments by some of the State banks, it appears that our greatest losses by public depositories, and by unavailable funds of any kind, occurred among the State banks selected, not between 1811 and 1816, but before or afterwards, and in aid of the United States Bank. They occurred, likewise, not between 1811 and 1816, but in 1821, 1824, and 1825, some years after the latter bank had been in full operation, and had exercised all the functions in its power and inclination, either to furnish a sound currency, or to regulate it, by improving the condition of the State banks.

With the causes of these last and most important failures, happening from time to time, as the table shows, to the very last year, this branch of our inquiry has no particular concern, except to discriminate them from others, and from any special connexion with the system that prevailed from 1811 to 1816. Whether they arose from an unsound policy pursued by the United States Bank, or from circumstances which, under the paper system, neither legislation nor caution can always avert, or from less justifiable reasons, and in spite of all the salutary influence the national bank could exercise, it is a singular fact, in praise of this description of public debtors, the selected banks, that there is not now due on deposites, from the whole of them which have ever stopped payment, from the establishment of the constitution to the present moment, a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in 1825 or 1826, and of whom ample security was required, and supposed to be taken, under the responsibility of an oath.

If we include the whole present dues to the Government from discredited banks, at all times, and of all kinds, whether as depositories or not, and embrace even counterfeit bills, and every other species of unavailable funds in the Treasury, they will not exceed what is due from two such firms. Of almost one hundred banks, not depositories, which, during our all wars and commercial embarrassments, have heretofore failed in any part of the Union, in debt to the Government on their bills or otherwise, it will be seen, by the above table, that the whole of them, except seventeen, have adjusted every thing which they owed, and that the balance due from those, without interest, is less than $82,000. Justice to the State banking institutions, as a body, whose conduct in particular cases has certainly been objectionable, but whose injuries to the Government have been almost incredibly exaggerated, and whose great benefits to it, both during the existence of our two national banks, and while neither of them existed, have been almost entirely overlooked, has led me to make this scrutiny, and submit its results, under a hope that it will, in some degree, not only vindicate them from much unmerited censure, but justify this Department for the confidence it formerly, and, in the great improvement of their condition and of the financial affairs of the Government, has recently reposed in them. Under these circumstances, so very favorable, with the new security and examinations provided for, if our former small losses by them, in keeping and paying over the public revenue, under circumstances so very adverse, are compared with our large losses, either in collecting or disbursing that revenue, their present safety seems to be as great as is consistent with the usual operations of the paper system, or with the credit which must always be intrusted by Government, in some way or other, to agents of some kind in keeping the public money. In considering their safety, it should be constantly recollected that the owners and managers of banks, when properly regulated by legislative provisions in their charters, are, like other individuals, interested to transact business securely—are desirous of *making*, and not losing money; and that these circumstances, (with the preference, in case of failure, belonging to depositors and holders of their bills over the stockholders,) united with the security, if not priority, given to the Government, render them, in point of safety, generally much superior to individual agents of the United States. It is to be further remembered that many of the former losses occurred, indirectly and remotely, from war and embarrassments, affecting deeply the whole community as well as banking institutions, and from the injurious influence of which calamities, banks, whether of State or United States origin, can never claim a full exemption; that the correct principles of banking were, at that time, less generally understood and practised than at the present time; that the selected banks, by the course of our expenditures and collections, were then exposed to more onerous duties and hazards; and that less full information of their true condition was then possessed by this Department.

In the next place, the great increase in banking capital, from about fifty-three millions, in 1811, to seventy millions, in 1814, and eighty-five millions, in 1816, and the still greater increase in bank note circulation, from about twenty-eight millions at the first period to seventy millions in the second, and one hundred and ten millions in the third period, with the sudden and great reduction in that circulation, in 1817 and 1818, to about sixty millions, produced a fluctuation sufficient, standing alone, to disturb or derange all the moneyed operations of society; and which, so far from being attributable, in a great degree, to the mismanagement of the State banks, though some of them unquestionably acted with indiscretion, arose, as before suggested, chiefly from the miseries and misfortunes incident to war; from the suspension of specie payments south of the Hudson in the autumn of 1814, beginning with the invasion of the enemy in this quarter of the country, and the consequent necessity of removing the specie into the interior for safety; from the over-issues of paper, which naturally followed that suspension, and from the large and sudden contractions, produced by the general and hurried resumption of specie payments in 1817.

Some of these circumstances, rather than the want of a United States Bank, caused most of the small number of failures among the State banks, which occurred between 1811 and 1816; and, combined with a few other circumstances, produced the more numerous and calamitous failures of 1817 and 1819, which here, like those in England, at the same period, spread from customers and debtors to some of the local banks themselves; notwithstanding any favorable influence exercised there or here, respectively, by the two national banking institutions then in operation. Indeed, theirs and all their private banks were still compelled, during that distressing period, to refrain from specie payments; and our national bank became so embarrassed as to be on the verge of suspending them.

3. The next inquiry relates to the comparative ability of the State banks to transfer the public funds to the points where they may be needed, and to perform such other services as are usually required by the Government of a mere fiscal agent. Under the former system adopted with these banks in 1811, Mr. Gallatin, when reporting on its success in these particulars, remarked, "No difficulty has been experienced in the transmission of public moneys; and, with the exception of Norfolk and Savannah, the revenue has generally been as well collected as heretofore." Those exceptions soon ceased, and none now exist at any point of our widely extended country. The embarrassments which afterwards occurred, were principally connected with the currency, rather than with the mere transfers of the revenue, and will, hereafter, be considered. These last continued to be regular and efficient, considering the belligerent state of the country, and the slowness of communication, and greater want of experience in such operations which then existed, compared with the present period. It is conceded, however, that the use of the State banks as fiscal agents has always caused some more detail and complexity in the accounts kept by this Department, and that more attention is requisite than would be with a single bank and its branches to distribute the funds seasonably and promptly to the particular places where they will be needed for disbursements. But these are rather increased inconveniences and labor to the head of this Department and its clerks, than serious obstructions to the due operations of the fiscal agent in actually making transfers and disbursements. On a careful examination, these operations are now, when compared with some former periods, ascertained to have become greatly simplified, easy, and economical, in consequence of the important and fortunate changes which have occurred of late years in the places where our collections and expenditures happen to be principally made. From a tabular statement annexed, (C,) which has been prepared with much care, it will be seen, nearly, what has been, for the present year, the amount of expenditure and collection in each State and Territory. Though the ratio between them is not found to be in every State precisely the same, yet

they approach each other more closely in more cases than is generally supposed, and, in the four great sections of the country, the East and the West, the Middle and the South, are so equal as to require only very small transfers, not over three millions in all, to be made to any considerable distance. Besides this consideration, all the surplus collections beyond the expenditures, it will be seen, are now in the Eastern and Middle, and not in the Southern or Western States. Hence the transfers, which may be required at a distance, are chiefly from the city of New York to the South and West, and in favor of which city the course of trade is so fully established, that the transfers are now effected usually by a mere warrant, without expense to the Government, and without the risk and cost to any person of transporting either paper money or specie. This warrant, in favor of any bank or creditor, in the West or South, on a selected bank in New York, is generally preferred to the best of bank notes, or to specie; and in all cases where money has been required to be transferred to either a great or a small distance, and could not, from the course of trade, be transferred in a similar mode, the connexions in business of the principal selected banks are now so extensive; the location of safe State banks at important points has become so general; their knowledge of banking principles, and the restrictions guarantying their security, have so much increased; roads, canals, and the facilities of intercourse by steam and stages, and the augmented speed and frequency of mails, have so greatly improved, that the selected banks have, in general, been enabled to transfer any surplus, seasonably and without expense to the Treasury, to any other State or quarter of the Union where this Department has found the public convenience or public wants required it. This salutary change from the condition of our affairs in some former periods, when the debt to be paid on the seaboard and abroad was so very large, must, in many particulars, be permanent or increasing, and not temporary; and is very fortunate for the interests and harmony of our Union, as well as for the easy, prompt, and efficient operations of the Treasury. It removes any just ground of complaint or apprehension, however well founded once, that, under our present reduced tariff, and our present restricted expenditures, as to subjects of internal improvement, either the West or the South will be in danger of losing a due and useful portion of the public expenditure, or of being drained of the public money there first collected, whenever, and in whatever proportions the duties on foreign merchandise may, in the end, be actually paid.

As will be noticed more fully hereafter, the present state of things in relation to these transfers and our other fiscal operations is most strikingly different from what it was in 1791 or 1816, when the two National Banks were incorporated under the strongest representations of their being necessary to effect the very great, costly, and extensive transfers then required, and to aid in the prompt, but then much more difficult collection and disbursement of the revenue. Even at and after the last-named period, these delays and difficulties were such, that from two to four months' previous notice was often given before a distant transfer could be effected; and from 1816 to 1826, those transfers so drained the West of its funds, and chiefly its specie, as, before mentioned, to constitute the principal cause of embarrassment to some of the selected banks there during that period. The present state of things in relation to those subjects here is also very unlike their condition in some other countries, where a National Bank may be a very useful, if not in some degree necessary agent, (especially in the absence of well-regulated private banks,) to gather and transfer almost the whole revenue from remote points to some common centre, and then to disburse it in large expenditures, either abroad, or at places very distant from those in which it was collected. But such is not our condition at present, though formerly more resembling the largely indebted monarchies of Europe in this particular; and such, it is hoped, may never become our condition, while the general welfare can be as well promoted, the constitution preserved inviolate, and the union of the States strengthened, by an increased regard from the General Government to the interest and prosperity of each great section of country, so as to make it participate in a nearly equal degree, if practicable, in the immediate benefits of the expenditures of such sums as it has borne the immediate burden of contributing to the common Treasury. Under this view of our present collections and expenditures, and of the balance of trade between the Atlantic seaboard and the West, it is manifest that the distant transfers of our funds, so far as they become necessary, would, if confided to a single individual or bank, be probably made profitable rather than burdensome.

The benefits supposed to have been derived by this Department from the United States Bank for performing that operation, were at one time considerable, but, for some years past, have been not only overrated, but, in truth, have been most of the time a source of profit to that institution, by its previous knowledge obtained from this Department of the probable amounts required to be transferred to particular points, and by providing for them through the purchase of bills of exchange and the sale of drafts at and on the appropriate places.

4. This consideration leads us to the next inquiry, concerning the commercial benefits of the present system, in regard to exchanges, compared with the use of a National Bank in regulating and facilitating those exchanges. This, it will readily be perceived, though a point most strongly urged in favor of that, and against the present system, has little if any concern with the correct discharge of duty by any bank as a mere fiscal agent of the Government. The Bank of England seldom or never did any business of that kind till of late years, and now, through her new branches, to a very limited extent. This dealing in exchange here by the National Bank is also an incidental business, usually belonging to shippers and exporters, to brokers and private bankers, and connected with the commercial interest of the country, rather than with any financial object in the Treasury Department to justify the incorporation of a bank by Congress. But as a mere incident, and one somewhat valuable to the mercantile community, the aid of any fiscal system in favor of the domestic exchanges of the country is an argument more or less connected with its expediency; and in that point of view it is acknowledged that the apparent usefulness of the National Bank has at times contrasted very favorably with the State banks. By means of its possession of the public funds, by the favorable course of many of the transfers of them, with its numerous branches and extensive correspondence, and with the high credit given to it by the confidence and great privileges the Government has bestowed, that institution certainly increased its business in domestic exchanges from about four and a half millions, which it never had exceeded at any one time previous to 1827, to more than an average of twenty-two millions at the several periods of its returns in 1832. Under these circumstances, this business was performed, doubtless, with some advantages to the public, and with great profit to the bank. But the State banks, as well as individuals, perceived that this kind of business would yield them a fair profit at the same rates, although their facilities for it were in some respects less; and hence, though they had always been competitors for it, to a certain extent, yet they did not prove highly successful in their efforts till since 1832. From that time, the num-

ber, enterprise, credit, and extensive connexions of some of the State banks in the West and Southwest, have enabled them to perform a large portion of this business in those sections of country, being the sections where this kind of business is greatest, and where, alone, it is usually difficult, expensive, or fluctuating. At the same time, they have performed it on terms equally moderate and satisfactory to the community, or they would not have been resorted to for its performance. A statement is annexed, (D,) which shows the amount of exchanges held by the Bank of the United States and its branches, running to maturity on the 1st September, 1832, 1833, and 1834. From this the remarkable fact appears, that this branch of its business, within a period of two years, has fallen from about nineteen millions to little more than twelve; and that, in the West and South, it fell from near fourteen millions to about six, or considerably more than one-half in only those two years. Nor is it supposed that the whole dealings in domestic exchanges, by all institutions and persons in those quarters, have in that period diminished. On the contrary, this Department has evidence, in the returns on its files, that only three of the selected banks in the West and Southwest were performing a business in domestic exchanges, early in September last, of nearly a million more than all the seven branches of the United States Bank situated in that quarter of the country. (E.)

Whether the United States Bank has lost much of this employment by either caprice, unnecessary contraction, or the fair competition of others; whether this course, exaggerated by rumor or not, has shown, by the embarrassments and evils it caused, and which no detached State banks are able to produce, that the dealing in inland bills ought to have been limited in the charter to the small amount usual during the first years of the existence of the bank, or placed under certain restrictions, causing this great and dangerous power to be used chiefly for public purposes, to equalize, or render uniform and low, the rate of exchange, and, as Mr. Crawford frankly informed the bank, not "with a view to increase its profits," the undersigned will not pause here to investigate. Because, in any event, strong evidence is furnished that a National Bank is not now necessary, even for the performance of this incidental operation, since in the West and Southwest, and it is believed, if the inquiry was made in other quarters, the State banks have, by actual experiment, been recently found to be competent and willing for the satisfactory discharge of it. In reviewing the conduct of the bank on this subject, and especially during the last year, it may be well to remember that its officers were distinctly admonished, as early as July 3, 1817, that it ought not to deal in internal exchanges "with a view to the pecuniary emoluments of the bank; and, whether the rate was one-fourth, one-half, or one, or even ten per cent., the principle of profit on this subject was not the true one for this public institution, and did not comport with the intentions of Congress, in this respect, in chartering it. On this subject of profit from the domestic exchanges, said Mr. Crawford, "it is the establishment of the principle, and not the amount of the exaction, which will exhibit the power of the bank to lay contributions on the commerce of the nation *ad libitum.*" The high merit claimed for the United States Bank, in a commercial point of view, is sometimes extended to the foreign as well as domestic exchanges.

It has been asserted that the bank, by engaging in the purchase of foreign bills at the South, and in the sale of them at the North, has raised the price obtained for them by the planters and merchants at the South, and lowered the price given by the buyers and importers at the North. This, if correct, would assuredly be a fortunate result to the planters and importers. But, on a careful examination of the prices for many years, given in the Southern quarter of the country, and demanded and received in the Northern one, it appears that the purchases by the bank at the former have generally been much below the premium which it has exacted, and for which it has sold at the latter: consequently, either too little has been given at the former place, or too much asked at the latter; and the bank, by these operations, instead of acting disinterestedly, or on public principles, is supposed to have made large profits, at the expense of both sellers and buyers—equal, it is believed, if not superior, to any made in the like business by others, either before or since its incorporation. Nor is it perceived that the bank, independent of the exclusive privileges derived from the Government by the universal receipt of its notes for public dues, possesses any advantages for this species of business over city banks or bankers, unless in a correspondence perhaps more extensive, or larger funds abroad, which, so far as used in connexion with the exchanges, are, for aught which appears to the contrary, oftener employed, if the bank is selling, to increase the premium, and to draw upon when the premium is highest, than to lower it; or, if the bank is buying, to depress the premium still lower which is given to shippers and exporters. The business, in this description of exchanges, therefore, it is presumed, will be carried on with as great, if not greater, benefits to the community, under the new system of fiscal agency growing out of the increased competition of those engaged and engaging in it, unless the National Bank, as would seem to be claimed, but which it is somewhat difficult to believe, has performed it more from kindness and liberality, or public spirit, than for pecuniary profit. At the same time, under a system of only detached and independent State banks, the community will be relieved from the dangers and injuries to which it is exposed under a great, combined, and consolidated power of a single institution, with numerous branches extended into every section of the country, seeking often to control and monopolize, it is feared, solely for its own enhanced emoluments, the whole business of exchanges, both foreign and domestic.

5. The comparative goodness of the money in which the payments are made under the present system, is another topic of inquiry possessing much interest. The kind of money in which the revenue is collected, or the deposites made, continues by law to be the same as heretofore, and consists of specie, or the bills of the United States Bank; and, by usage, authorized by the resolution of Congress, in 1816, of such other bills on specie-paying banks as the depositories are willing to receive at par, and credit as cash. No bills are now received on special deposite, as was sometimes practised between 1814 and 1818; and hence, in making payments to the public creditors, there is no temptation to make those payments otherwise than has been the custom for some years past, which is either in specie or specie funds, such as the bills of the United States Bank, or the bills of other specie-paying banks. It is not known to this Department, therefore, that any change has occurred in the kind of money in which payments are now made, except that the collections being probably effected somewhat less in bills of the United States Bank, and more in specie and the bills of the selected State banks, it happens that the latter bills, not being like the former, by an act of Congress, a tender for all public dues, are not so current and useful for all purposes, and hence are not so often delivered in payments to the public creditors. But, at the same time, more specie is now paid to them; and it may, in all cases, be now as heretofore, demanded and received instead of bills—not any particular kinds of specie, such as pillared dollars, for instance, preferred and wanted, from strongly-settled

prejudices, sometimes in the navy, for particular foreign stations, and in the army for particular payments to Indians, (because these kinds must now, as heretofore, be obtained through comity, or bought in the large cities, and transported to the places of disbursement,) but such specie as is by law a tender in all cases. Indeed, not a single instance has come to the knowledge of the Department where a deposite bank has attempted to pay a public creditor or officer in paper not there at par, or (unless preferred) redeemable at a distance, or has refused to pay him specie, if requested. Many of them, much to their credit for liberality, and greatly to the public accommodation, have, in furtherance of the views of Congress in passing the late acts regulating the gold coinage, incurred expense and inconvenience to procure and pay out considerable quantities of the new gold coin to pensioners, and the public creditors.

The effects of these changes have been to increase the quantity of specie in the vaults of the selected banks, for the purpose of meeting the increased demands for it, and to throw more specie, instead of United States Bank bills, into general circulation.

While this has operated favorably to the security of the paper system in this country, by enlarging the specie basis on which it partly rests, the admission is freely made, that it has deprived travellers and merchants, to some extent, of the usual quantity of United States Bank bills, which, for purposes of travelling and transmission to a distance, have, by the privileges hereafter specified, acquired a general and high credit. Though these facilities to those classes of persons are here, and in other countries, chiefly obtained by the use of gold or bills of exchange, the last furnished by banks or private bankers on their correspondents in distant cities, yet bank notes are sometimes, when in high credit, at remote places, employed for similar purposes, though at much greater risk from accidents and losses, than bills of exchange. But it is to be remembered, in the estimate of what may, in any commercial view, be deemed preferable, in the payment to public creditors of the United States Bank notes over other bank notes or specie, that the superiority of the former is derived principally, if not wholly, from the increased credit imparted to them, by the legislative monopoly which they enjoy in being a tender for all public dues at places however remote from those where issued, and which Congress has not yet deemed it proper to withdraw, or to confer on any State banks, and by the striking guaranty which Congress has given for the security and due management of the United States Bank. This last has been done, not only by conferring the privileges before named, but by risking seven millions of dollars in its capital stock: trusting formerly large amounts of nearly twenty-five millions a year of public deposites to its conditional custody; bestowing on it what are, in some respects, the benefits of certain agencies connected with the public debt and pensions; and undertaking by law, through its committees, and this Department, to watch its business and proceedings, and to have it prosecuted, or the deposites, and the privileges as to its bills, withdrawn from it in the event of such misfeasances as may be supposed to warrant either measure in the opinion of those to whom the power is intrusted, or to whom it is reserved by the provisions of the charter.

Take away the monopoly, the privileges, and the guaranty, which are conferred in exclusion and at the expense of the notes of State banks, and little reason is discoverable why the notes of the former should circulate wider or with more credit than those of other banks of established reputation. But, in that event, it is conceded both kinds of notes would probably fail to perform so well very distant functions, as they are now sometimes performed by United States Bank bills, unless arrangements were made, to which either is competent, to have a portion of their bills redeemable at distant places as well as at their own counters. Such an arrangement has often been found successful in Europe, prevails now as to the five dollar notes issued by the United States Bank, and has already been commenced by some of the selected State banks. As the notes of the former must retire still more from circulation at the close of its charter, such an arrangement, though by no means necessary, could, without doubt, at the points where the course of travel and trade might indicate it to be convenient and useful, be beneficially for the banks, if not for the public, so extended, as to answer all the travelling and commercial wants properly noticeable under this branch of our inquiry. But gold coin and bills of exchange are, in the opinion of the undersigned, far preferable for those purposes. The new coinage of gold, at a nominal value slightly exceeding what it is worth in the market as bullion, has been a measure required for twelve years past, to secure its circulation in this country, and to prevent its being hoarded or exported; and, as shown and urged by my predecessor last winter, was highly necessary, and has very opportunely occurred to aid the present system, not only in other respects, which need not be discussed here, but as a safe and convenient currency, instead of any kind of bank bills, for travellers at all distances beyond which bills of exchange would not be superior to either of them.

But whatever small gain, in a commercial view, is derived from the sanction to the goodness of notes of banks incorporated with exclusive privileges and guaranties, and watched over by the General Government rather than by the State Governments, it would hardly be contended that such a gain was ever deemed a justifiable ground for incorporating the present bank with all its monopolies, or could be considered justifiable for incorporating any other similar to it, at the present, when all the advantages of a paper of high and general credit for travellers and merchants could perhaps be obtained, if deemed necessary and desirable by Congress, by merely authorizing the issue of Exchequer bills or Treasury notes, in public payments, when requested by the public creditors, and by providing for their general credit and redemption, by specie on hand derived from the revenue, and by the receipt of them for all dues to the Government, as is the case now with the notes of the United States Bank. As they would not, in such case, be issued in the form of loans, but only in payments, no partiality or corruption could grow out of their employment, and every object, deemed valuable as to a paper currency for distant purposes, could be obtained as a revenue measure constitutionally. But the details of such a measure will not now be examined, as no occasion appears to exist at present for its adoption; and as the safety or security of the public, in respect to the specie on hand for their redemption, would at all times render it inexpedient unless found by Congress to be very necessary.

6. In connexion with the next inquiry as to the benefit of the present system compared with a National Bank, in regulating our currency, either by supplying a portion of it of improved quality, or by controlling and aiding the State banks in their issues, this same question will incidentally be examined in one other view. It is not admitted that Congress, according to the views of any large class of politicians, can possess the constitutional power to incorporate a bank merely to regulate the currency, when there is no such express grant, and when it can hardly be deemed a legitimate auxiliary to any other express grant. "To coin money, and regulate the value thereof," the other express grant most frequently cited to support it, is a power evidently referring to specie, and not to paper, as the latter is not

coined, nor its value regulated by law; and it is a power to be performed under the immediate control of Congress, and not to be delegated to a corporation, to be called, as has been significantly said, "the paper money department." In relation to another power, sometimes supposed to apply to this point, viz: "to regulate commerce with foreign nations, and among the several States," no person acquainted with the history of the age in which the constitution was adopted, when commerce, in its common acceptation of "trade," or "exchange in articles of produce and merchandise," so much required regulation as to be one chief cause for forming the constitution, and when only three or four banks existed in the whole United States, and those already appeared to be well regulated, can suppose for a moment that this clause was intended to be applied to a paper currency. Indeed, without deeming it necessary, in the present communication, to enter largely into the constitutional argument connected with any of the inquiries under consideration, it may be noticed as an historical fact, that, in 1816, though specie payments were generally suspended, and paper money, in many parts of the country, was in a very depreciated condition, a number of the ablest advocates, then and now, of a National Bank, disclaimed any idea that one was then needed to regulate the currency. The currency, it was justly observed, was already regulated, and well regulated, "by the constitution," "to be gold and silver." A National Bank was not needed to reform it, nor had such a bank the power to remedy the evils under which the country then suffered. But the great panacea was a return to specie payments in such places as had yielded to their suspension. That return, it is well known, long since took place, and still continues; and it is supposed to have been effected chiefly by a cessation of many of the embarrassments connected with the war; by the force of public sentiment, requiring that such a return, after a peace of two years, should at least be commenced; and by the passage of a joint resolution in Congress, in April, 1816, substantially declaring that the revenue ought soon to be colleced as formerly, and, as the act of 1789 required, in specie alone, or, as the construction of that act had always permitted, in the notes of specie-paying banks. Though it is admitted that some negotiations for the early and general resumption of specie payments had not succeeded before the United States Bank commenced business in January, 1817, yet there can exist little doubt that the above resolution, as it was not to take effect till February, 1817, might, and would, ere long, have gradually been enforced; and that the payments of specie, without the assistance of the bank, would, generally, though more slowly, have been resumed. Fortunate, indeed, would it have proved for the country and the State banks, had such a course, either in the terms of the resolution, been prescribed, or, in the practice under it, been pursued, resembling that adopted in England, under like circumstances, in a more careful preparation, and more moderate progress, in respect to the full resumption of specie payments, and thus producing there neither embarrassment nor losses, instead of the more sudden and general resumption effected here in January, 1817, for a few months, partly through the agency of the United States Bank—a resumption which, whether caused by the bad advice and errors of the bank, or, as has been alleged by some of its officers, caused through the mistaken policy of the Treasury and the Government, soon terminated in stoppages of payment and consequent disasters among some of the State banks, which those officers themselves have conceded would, by a different policy, have probably been averted. From a conviction that the United States Bank was not needed to restore specie payments, nor likely to be useful in regulating the currency, a number of its most distinguished supporters, then and now on the stage of political life, insisted in Congress that it ought to be established, chiefly, if not solely, for the purpose of acting as a fiscal agent to the Government; and hence, as there already existed banking capital enough for all commercial objects, they strenuously argued that the capital of the present bank should not exceed twenty millions, the amount deemed sufficient for mere fiscal objects. As a further illustration on this subject, and on the striking differences in the condition of the country and of the Government at that period and the present one, bearing on the necessity of a National Bank at this time for any purpose, the debates of that day are full of the supposed importance of having a fiscal agent, more general, able, and efficient, to disburse the principal and interest of our then accumulated debt of more than one hundred and twenty millions of dollars—a debt which has now virtually ceased to exist; of having an institution of enlarged means, to be resorted to, in case of necessity, for new and sudden loans then deemed probable—loans for which a necessity neither exists now nor is anticipated as likely soon to occur again, and for which, if not small or temporary, even a national institution has more limited means than is generally supposed; and of organizing a bank whose notes should at once be paid in specie, and should, among other favors and guaranties, have the privilege of being receivable as a tender for all public dues, and thus, by aid of these favors and guaranties, becoming, in the language of the committee, "the most certain means of restoring a specie circulation," and thus, in the mean time, furnishing a paper medium more uniform for the payment of imposts, lands, and taxes, than the greatly depreciated currency which existed at that period in parts of the country where specie payments did not then prevail—a depreciation in the currency and a suspension of specie payments which do not now exist in any quarter, nor is either apprehended as likely soon to recur, so as to injure any portion of the currency in which the revenue is now collected, or essentially to diminish our present great quantity of about fifty-five millions of specie. Of this amount, exceeding about thirty-three millions what was in the country in 1816, nearly one-half has within fifteen months been obtained, independent, if not exclusive, of any policy pursued by the United States Bank. Our first National Bank was also advocated, not only on some of these grounds, but, among others, on that of an institution wanted for loans to the Government, strongly urged under the example of the Bank of England, originally created to effect merely such loans, and whose whole increased capital of about $70,000,000 is at this day a loan, and perhaps thirty millions more of its securities are vested in public stocks or loans. The additional reasons were urged, and doubtless possessed great influence, that its operations would essentially aid the community in procuring means to pay the large taxes necessary to discharge our revolutionary debt of over seventy-five millions, and furnish facilities as a fiscal agent in collecting those taxes and paying out that debt which the only three State banks then existing, with only about three or four millions capital, were not deemed competent, either in number or means, to accomplish—a deficiency of State banks and capital, which can hardly be considered as existing at this time, when we have over five hundred and forty State banks situated, more or less, in almost every State in the Union, and possessing an aggregate capital equal to more than one hundred and seventy millions. Another argument urged at both periods, rather than the regulation of the currency, was the necessity of a National Bank to make large and difficult transfers of money in the collection and disbursement of the revenue, and which has operated strongly in favor of the continuance of the Bank of England, for receiving from distant points and aiding to transmit her vast revenue over the whole British empire. But this argument has previously been shown to have no foundation on which to rest here at this time.

With these great changes in our financial condition, it is difficult to discover why the General Government should now exercise doubtful powers to prolong the existence of a fiscal agent in the United States Bank, when it has been suffered to live out the term originally allotted for its existence; the term then deemed necessary and proper, and the term during which experience has shown it has already outlived most of the legitimate grounds of expediency ever urged at any former period in favor of its creation. Much less does it seem judicious to extend this term for a purpose, the regulation of the currency, for which such an institution is confessedly less needed than in 1816, was then advocated by many as only a temporary instrument until specie payments were restored, and even for that purpose was declared by some of its ablest supporters to be neither required nor competent.

In a prospective view, which it is not the part of sound political wisdom to overlook, if a state of things, though not at this moment existing, appeared nearly and rapidly advancing, in which as strong reasons seemed to prevail as in 1791 and in 1816, for deeming a National Bank of some kind a necessary and proper instrument for the execution of some express grant in the constitution, then, and then only, might it become urgent, on the score of precedent, to decide how far doubts, otherwise solid and constitutional, were removed by the close approach of a state of facts, or a condition of public affairs, without which the great mass of any school of politicians, or even, we may venture to say, the Judiciary, in this country, have never deemed any kind of a National Bank constitutional. One of the most decided opponents of the renewal of the old charter in 1811, and who became one of the most decided advocates of a new one in 1816, vindicated his change of opinion to his constituents on the very grounds that his views of the constitution itself remained the same, but that the facts which might render a bank "necessary and proper" under the constitution, had entirely changed between 1811 and 1816. He remarked, "that when the application was made to renew the old charter of the Bank of the United States, such an institution did not appear to him to be so necessary to the fulfilment of any of the objects specifically enumerated in the constitution as to justify Congress in assuming by construction a power to establish it; it was supported mainly upon the ground that it was indispensable to the Treasury operations. But the local institutions in the several States were at that time in prosperous existence, confided in by the community, having a confidence in each other, and maintaining an intercourse and connexion the most intimate. Many of them were actually employed by the Treasury to aid that Department in part of its fiscal arrangements, and they appeared to him to be fully capable of affording to it all the facility that it ought to desire in all of them. They superseded, in his judgment, the necessity of a national institution. But how stood the case in 1816, when he was called upon again to examine the power of the General Government to incorporate a National Bank? A total change of circumstances was presented—events of the utmost magnitude had intervened. A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature."

Though these may be unexceptionable views into one aspect of the constitution, yet they do not by any means meet the great force of other constitutional objections, which need not here be examined; nor do they touch the still more absorbing question of the inexpediency of any National Bank, on account of high political considerations connected with the relative and proper distribution of power between the States and the General Government. If all the deplorable facts which existed in 1816, in respect to our currency and other kindred subjects, should again occur, a National Bank could not then, in the opinion of the undersigned, be vindicated as constitutional by those relying on the hypothesis just quoted, except so far as its form, powers, and privileges were moulded and adapted to effect those objects alone of a public character, which might render its agency both necessary and proper to execute some clear and express grant in the constitution. But its unconstitutionality when exceeding these limits, as well as in various other respects, and its inexpediency even to that extent, would still be controverted questions, and to discuss which does not appear to be required or pertinent in the present condition of things; because, if looking to this condition, as in some respects has already been done, and will soon be done more particularly in respect to the currency, it has been found, as the undersigned believes, that a due liberality is not able to concede the existence of a case rendering a National Bank necessary, either to regulate the currency, or for any other legitimate object. Still less would such a case be found by looking to the future condition of things, as it is likely to prevail for many years. Grounds less favorable for any necessity of a National Bank, on any account, are likely to appear annually, as the State banks are so rapidly improving, and their specie basis is becoming so greatly extended. In the event that, hereafter, the calamity of war should unexpectedly befall us, and render immediate and large loans indispensable, the superior ability of such a bank, by the great and accumulated funds at its disposal, to make temporary loans, is conceded. But it is due to the occasion and the subject to remark that, unless by its charter, placed in this respect under the control of the Legislative or Executive departments, it would possess also the power to refuse or delay to make loans; and, adverting to the attitude in which some banks and many of their wealthy proprietors, foreign or domestic, have sometimes, during high party excitement and war, stood towards some branches of the Government, the public can easily decide whether, in certain exigencies rendering pecuniary relief necessary, they would be most likely, by prompt and large loans, to furnish voluntary aid to the operations of the Government, or, like the Bank of England in 1796 and 1797, to retard them by refusals or delays, till overcome, as there, by large premiums, and the very profitable indulgence of a suspension of specie payments almost a quarter of a century. The sagacity of Mr. Madison, in January, 1815, before the news of peace arrived, led him to put his veto on the National Bank bill, which had then passed both Houses of Congress, assigning, among other reasons for his veto, that "the full aid and co-operation of the institution was not secured to the Government during the war, and during the period of its fiscal embarrassments." On the contrary, in the severe contest and great wants of that war, when no capital was in this country concentrated in any National Bank, the political opinions influencing many individuals and State banks did not prevent them, in many parts of the Union, from coming forward by loans, with patriotic promptitude and enlarged liberality, to assist in enforcing the measures of the Government. Without the aid of such an institution, for this or any other purpose, that perilous struggle was in this way, and through the bravery of our armies and navies, and the sustaining spirit and firmness of the great mass of the people, brought to a triumphant close, and with much less derangement to the currency of this country than happened to that of England in the same and other contests, though assisted by the immense capital and power of a

National Bank, whose influence for good or evil, in all respects, had existed permanently for more than a century.

The singular contrast between this country on that occasion, with no such bank, and its antagonist, with a large and powerful one, so far as regards the longer suspension of specie payments there, and the much larger number of failures there among their private and local banks, leads us to the consideration of the actual influence exercised by, and often adduced in favor of, a National Bank, in respect to the currency, without reference to the unconstitutionality or inexpediency of such an institution for either that or other purposes, in either the existing or any anticipated condition of things. Many profess to believe that the present United States Bank, if not chartered expressly to regulate the currency, exercises in fact, incidentally, a very salutary influence in its regulation; insomuch that, when this influence shall cease, the present system of State banks will inevitably sink into ruin, and our circulating medium become, in a great measure, deranged and impotent. An earnest desire is felt to examine fairly, and as far as may be practicable within any reasonable limits for a report to Congress, every important suggestion bearing materially on the present complicated subject; and if, by the salutary influence of the present National Bank, in regulating the currency of the country, it is meant that the bank supplies a part of it equal to the amount of its bills in circulation, and which part is of a safe and useful character, then, as before, all the benefits which it thus confers are readily admitted, though it must be remembered, they exist at the expense and by the advantages of a monopoly, and a public indemnity or partnership entered into by the Government to increase the confidence to be placed in its bills. When it is recollected that the whole paper issues of bank notes in this country on the 1st of January last, are estimated to have been about ninety-four millions of dollars, and the bills of the United States Bank constituted only about sixteen millions, or little over one-sixth of the whole, it becomes obvious that the small superior importance for certain commercial purposes of the small proportion it then furnished, cannot, amidst the whole, be of very material consequence; and much less can it be so, when we reflect, further, that this sixteen millions of paper, now reduced to about fifteen, is furnished to the public at this time by withdrawing from circulation over fifteen millions of specie and almost two millions of State bank notes. The former of these, at least, would be deemed by many, if less convenient for some purposes, yet quite equal, as a circulating medium, for all purposes combined, to a like quantity of United States Bank notes.

It may be useful to observe, further, from the table annexed, (F,) how very inefficient our National Bank has been in this respect, when compared with that of England, which supplies by its own notes more than double the whole of the other paper currency of England and Wales, or about eighteen millions of pounds sterling out of about twenty-five and a half millions, or twelve times as large a proportion as our National Bank does. The document referred to exhibits the computed paper and specie circulations of this country and some others at various periods, and is calculated to throw some light on this subject, as it has been compiled from the most authentic sources; and where accurate returns could not be obtained, its estimates are believed to be entitled to safe reliance for the general and comparative purposes intended. Indeed, so little aid is conferred on our whole currency by the United States Bank, that the entire withdrawal of all its fifteen millions of bills and drafts afloat, and, as would be natural in the operation, the substitution for them of its specie now on hand, could hardly be perceptible in its influence in any injurious way on our whole circulation. From the 1st of August, 1833, when the removal of the deposites became probable, till the 1st of August, 1834, when the policy of the bank, though professed to be changed, had not stopped its contracting operation, it withdrew about three millions of its bills, and about three and a half millions more of specie, from our general circulation; and yet that first operation alone would not have caused much, if any special inconvenience; provided that, while calling in its bills, either three millions of specie, instead of them, had been issued, as its public duty in relation to the country and the currency would seem to have required, or had it not, at the same time, performed a second operation, and withdrawn, beside the bills, three and a half millions more of specie to add to the former large quantity already in its vaults. In effecting this change as to the whole amount of the currency, reducing it so rapidly, over six and a half millions, the bank within the same period curtailed its discounts about seventeen millions, or over one-fourth of their whole amount; and thus, by both courses, undoubtedly produced some temporary embarrassments among its customers. These continued till the extended accommodations by many of the State banks, and the great importations of specie, not only sustained the community, wanting credit from new quarters, but replaced, by notes of the State banks and by coin, the amount of notes of the United States Bank called in, and of the additional specie withdrawn from circulation and hoarded in its vaults. Those importations, also, united with the real prosperity of the country, and the large balance of over ten millions on deposite from the Treasury, enabled the State banks, and especially the seeclted ones, to discount in many places freely, and to support a sound paper currency in their own neighborhoods, and to survive the shock of those sudden reductions in the circulating medium, and those great curtailments in discounts and indulgencies on the part of the United States Bank, aggravated by one of the most extraordinary political panics that ever occurred in this or any other country.

To duly appreciate the remarkable course of conduct on the part of that institution, whether as affecting the regulation of the currency, or any other subject, it must be remembered, that whatever may have been the unfavorable opinion it entertained of the conduct of this Department, in changing the place of most of the deposites, under the power reserved to it by the charter, the bank was still left in the enjoyment of some millions of deposites of the public money; was still the fiscal agent of the Government for all purposes in a number of the States; was in all of them its commissioner of loans as to the public debt, and the agent for paying all the pensions granted before 1832; still retained the exclusive privileges of having its notes, and, by indulgence, even its drafts or checks, received every where in payment of all public dues; was still a public corporation, under various public and charter duties to the Government and the country unimpaired; and still held the monopoly of banking under the General Government in full force, and the benefit of that Government as a partner in its capital, to the extent of seven millions of dollars, with the dividends on that capital in its possession, as from time to time declared, exposed to be seized, and retained under any plea of satisfying any doubtful claim it might choose to present.

In the dreariest excitements in England, from pressures and panics of all kinds, their National Bank has never so conducted as to raise a suspicion, whether well or ill founded, that its object, whatever may sometimes have been the effect of its measures, was to increase the public embarrassments, or derange still further the whole currency of the country. To be sure, in conducting often as a mere commercial body, on private more than public principles, it has at times waited to be acted on by the community, rather than acting from its own promptings, or by the importunities of the ministry, in aid of the currency. But, in the greatest moneyed convulsions, as in 1797, its discounts, or investments in private and public loans, did not materially vary in amount, instead of curtailing them one-fourth; and its circulation was reduced only one-twentieth, instead of one-sixth; as, in 1819, its discounts increased quite one-fifth, instead of being contracted one-fourth, and its circulation was lessened only about one-tenth, instead of one-sixth; and, as in 1825, its discounts also increased one-third, instead of falling one-fourth, and its circulation was not on the whole lessened at all, instead of one-sixth. The contrast appears still greater when it is seen that the specie of the latter at each period was reduced one-half, and sometimes over that amount, instead of being increased three millions, so that, on mere private and banking principles, a great reduction in both its discounts and circulation would have been defensible.

During the period before-mentioned, the United States Bank, by thus calling in its bills, increasing its specie, and remitting abroad for deposite something like two millions of its collections, probably caused a much greater vacuum and derangement in our currency than would result from the natural and ordinary operation of closing up its whole concerns within two years after March, 1836. Then, it ought not, and doubtless will not, either hoard, or deposite abroad, what is withdrawn from the whole circulating medium, by collections, but pay them out to its stockholders almost as rapidly as received, and in that way, like the former bank, notwithstanding many predictions to the contrary, can easily and judiciously perform the operation of a final adjustment of its affairs, without producing any shock to the currency, or any serious distress in the community. It is thus that all the banks in the Union, every sixty or ninety days, collect and pay out, without excitement or embarrassment, a sum probably five or six times larger than the whole capital of the United States Bank, and three or four times larger than its whole amount of discounts or loans. The distress during the last winter and spring, so far as real, arose not so much from the large collections of the bank, though unexampled in amount in ordinary banking operations, as from their suddenness, and the permanent abstraction, in the manner before stated, of six and a half millions from the whole currency of the country, and from the further facts that an unusually early demand among merchants, for money to discharge a new portion of the duties in cash, and the shorter credits for others, allowed by the Government, both occurred at the same moment. To these were added, in the West, the sudden vacillation and increased rates in domestic exchanges, adopted by the bank in that portion of the country, where it had previously monopolized so great a portion of that kind of business. The additions made to all these causes by the mere panic, chiefly confined to the seaboard, and chiefly political rather than commercial in its origin, cannot be easily computed; but it evidently prevented many of the State banks from extending their discounts and loans so much and so quickly as they otherwise would have done, and compelled others to curtail theirs with injurious rapidity.

But the great quantities of specie imported during the winter and spring; the increased strength and confidence of the State banks, by means of the possession of ten or eleven millions of deposites; the gradual adjustment of the mercantile dealings to the new system of paying duties, and the principal cessation of the panic in June, removed all serious difficulties in the money market, and supplied all deficiencies in the whole amount of the currency with State bank notes and specie, before the United States Bank increased its circulation, or enlarged its discounts; and, indeed, while it continued to diminish both.

In this instance the currency, so far from being regulate by the bank in a salutary manner, was somewhat deranged by the withdrawals and contractions to which it resorted, and much more so by the political panic accompanying them. The result has fortunately demonstrated, that whenever the pressure would be renewed, the energies of the community and of the State banks, not only without the aid, but perhaps with the opposition of the United States Bank, are competent to produce a thorough correction of the evil. Although the bank had not been rechartered, the deposites restored, or its discounts and circulation increased, yet a little reflection convinced most of the community that no money was in fact withdrawn from the country, or even from circulation, by a mere change in the place of the deposites, or by the refusal of a new charter. It is admitted that, in some cases, the alarms which were at first excited impaired mutual confidence, and either suspended or rendered more sluggish, for a time, the moneyed operations of society. But as the community became satisfied that no specie had gone abroad to meet an unfavorable balance of trade, or rate of exchange; that no foreign distrust of the stability of our institutions, and the pecuniary ability of our people, had arisen so as to prevent capitalists from continuing former, or making new investments in this country; and that no actual deficiency existed in the power to raise money from the occurrence of short crops, very low prices, war, or pestilence, our whole pecuniary difficulties appeared to have vanished even before the political panic entirely subsided.

Whether this panic was at all necessary, whether it was right and patriotic to inflame and extend it by the extraordinary means adopted, and who ought to be held responsible to such unfortunate individuals, chiefly among the commercial community, as may have suffered from its ravages, and from the bank's disproportionate curtailment of sixteen or seventeen millions of discounts, apparently to meet the reduction of only five millions in its deposites, and from its permanent withdrawal of about six and a half millions in specie and bills from the whole currency of the country, while its monopolies, and most of its privileges and high duties to the Government and the country, remained entirely unimpaired, are questions not deemed proper for discussion in this communication, but on which the public in due time will doubtless form a just and decisive judgment. On the inherent and inevitable evils, however, which are inflicted upon the community, as well as the currency, by such great and sudden fluctuations in the whole quantity of the currency, whether springing from wanton or accidental contractions and expansions in discounts, or from other causes, there can be but one opinion, as these fluctuations tend unavoidably to produce changes in prices of all kinds, to alter the value of debts as well as property, and to influence, more or less sensibly, the fulfilment of most contracts, and the ordinary operations of the whole system of wages, salaries, labor, rent, interest, and income of almost every description. It is a further remarkable fact, without reference to theories or expectations of any kind, that the condition of our currency, or circulating medium, which terms it is convenient to use throughout this report as synonymous, was not, when the present fiscal system was adopted the last year, in so eligible and sound a state, after the full influence of the United States Bank had been exerted seventeen years, as that in which it was previous to the last war, before its incorporation, and under the more limited powers, capital, and connexion with the government of the former bank. The whole specie in the country, compared with the whole paper in circulation, was, in 1811, from twenty-eight to thirty millions of the former to only from twenty-three to twenty-eight millions of the latter; while, in 1833, the specie in the country was about forty-two millions to about seventy-seven millions of paper in circulation, or a proportion nearly one-half less. During the existence of the present bank, so far from its increasing our specie, so as to have it constitute a sum equal to our whole paper circulation, as was the case before A. D. 1811, and was expected to become the case by many who voted for its charter; so far from making it approach the ratio of about 170 to 140, which it bears in England under their National Bank, or about 520 to 30, which it bears in France under theirs, our specie has never, since 1816, until the removal of the deposites, and the passage of the new coin bills, constituted a sum whose proportion was more than about 42 to 77 of our whole paper currency, and has sometimes been as low as about 25 to 100 of it. This does not include what is in the vaults of our banks, whatever may be the practice of computing in England; but the table (F,) in order that any proper corrections may be made, shows the amount in their vaults during the same period. Notwithstanding this hazardous condition of the currency, our own coinage of gold and silver during the last thirteen years before 1834, amounting, in all, to about thirty-two millions, has entirely, except seven or eight millions, been allowed to quit the country, and in several instances, to a considerable amount, has been exported directly to Europe by the bank itself. All the manufacture of coin at our own mint, and all the expenses of it, have thus been wholly lost to us, except what would be equal to the result of its operations for only two or three years. The imports of specie, averaging, also, from six to seven millions annually, have all been suffered, with the detention of small amounts for coin and manufactures, to depart without any successful efforts on the part of the bank to restore the much sounder condition of the currency which existed under the former institution. On the contrary, how far the present bank may have been instrumental in preventing such a restoration, will be seen when we advert to the fact that, instead of issuing bills like the former institution, no lower than ten dollars, and thus, so far as the bank itself was concerned, leaving room for specie to remain in the country, and circulate for all smaller sums, it has put forth not only a large amount of five dollar bills, but, since 1827, a still larger amount of five dollar checks or drafts, not supposed by many to be warranted by its charter, for purposes of circulation as a currency, and certainly any thing but useful in extending the specie basis of our paper to its former desirable and safe proportions. The permission once given by this Department to receive these checks in payment of the public dues, has recently been withdrawn, in the manner and for the reasons stated in the circular annexed, (G.) The notes and checks of this denomination, issued by the present United States Bank, and, in imitation of its example, the five dollar notes issued by the State banks, are estimated to equal in amount from one-fifth to one-fourth of our whole paper currency; and the drafts or checks of the United States Bank, of all denominations, used as a currency, are computed to equal quite one-half of its whole circulation. In these particulars it has not only departed from the salutary precedent of the old bank, but it has departed from the precedents of the National Bank of England, which, except during the suspension of specie payments, has not issued (unless for a few years within more than a century) any notes less than £5, or somewhat over $23 in amount; and the National Bank of France has never issued any less than 500 francs, or near $100, in amount. It is not contended that the present bank, or the former one, ever possessed any chartered right to prevent the circulation, by State banks, of notes under ten dollars; but they both possessed the right to issue no such notes themselves, and to induce others, by their example, by encouraging sounder views and a more commendable usage on this point, to issue few or none of them; and the first bank did, in this respect, conduct in a manner highly beneficial to the country, while the other has entirely disregarded the salutary precedent. There is one higher and more difficult task in the due regulation of the currency, or circulating medium of any country, where it is composed of both paper and specie. This task consists in the preservation of the whole amount of the currency at any one time, not essentially reduced or increased beyond the natural and average wants of the community, in order to prevent a ruinous reduction in prices of all kinds if the whole currency be greatly reduced, and to prevent an injurious and artificial increase of those prices if the whole currency be greatly increased. The evils from either change (supposed by many to be much aggravated under any paper money system, and less likely to happen under a metallic one, from the greater difficulty in obtaining or making an excess, and from the diminished contraction in case of an export of specie, or a panic) are too palpable and well understood in political economy to require, on this occasion, any illustration.

It is equally clear that this kind of regulation of the currency, if performed at all, beyond what is effected by the mere course of trade, and the operation of private interest in the State banks, and other ways, must, whenever the object is deemed of sufficient importance, and the means to accomplish it lawful and expedient, receive attention from the Government. But the Government can generally operate on this subject only through the issue and withdrawal of Treasury notes, in such form and under such circumstances as will meet particular exigencies, or by some large banking institution created for this, among other public purposes.

The difficulties and advantages, though both exist, connected with resorting to Treasury notes in such exigencies, need not now be considered; but what influence the present Bank of the United States has exercised in averting or correcting those evils, compared with the State banks, or with other systems, or other national banks that are or might be created, is considered an inquiry very necessary and pertinent. Whatever elevated claims may have been presented in favor of the utility of the present bank in thus regulating the currency, it would be somewhat difficult to designate the period and the extent of it in any instance, beyond self-defence, or beyond what seemed requisite to save its own specie. In the three modes by which the amount of the currency usually becomes deranged, that is, by excessive issues of paper in times of extraordinary prosperity or speculation, by great exports of specie, and by hoarding it in a panic, it is not known that this bank, with all its public privileges, public objects, and public claims, has generally pursued any system to remedy the evils, different from that of all or most of the State banks. Thus, in a demand for specie for export abroad, instead of attempting to check it by the sales of bills of exchange at a lower rate, which it might draw on some fund providently and patriotically placed abroad for relief of the community in such an emergency, it has sometimes joined in the export of specie, and is supposed seldom to have drawn on a fund abroad, except when the market was such as to yield an enhanced price, or, on one or two occasions, with a view to its immediate safety, to lessen or avert a severe run upon its own diminished specie.

If the demand for specie increased so as to press hard on its own vaults and those of the State banks, how often has it been known during such a crisis, under any limitations, to become more liberal in its discounts to a distressed community, and to fill up with more paper or specie the vacuum caused by the withdrawal abroad of the specie? On the contrary, has it not, though claimed to be a public regulator of the currency, almost constantly and dangerously aggravated the evil of specie being withdrawn by acting as a mere private commercial bank, and by refraining to put into circulation, during a drain, more specie or still more paper, and even by withdrawing two or three times as much paper as there was specie exported? Again, when little or no specie was exported or hoarded, and there was no vacuum to supply by paper, has it not then usually been more profuse in its discounts, and, instead of contracting or regulating steadily, has it not expanded injudiciously the whole amount of paper in circulation? It is admitted that a bank, conducted on mere private principles, is generally not only no aid to the currency on such occasions, but it often becomes, as just shown, and must become, unless acting on public principles, one of the greatest enemies to the currency. As its specie is drawn out largely to export or hoard, such a bank, unless taking due precautions beforehand, from public considerations, must contract at least two or three fold the amount of specie withdrawn, and is utterly unable to expand its paper issues so as to keep up the whole gross amount of the whole circulation of all kinds in the community; and, without such precautions, if attempting in such a crisis so to expand, it would speedily be exposed to have no specie left to suspend the payments of it, and thus not only weaken public confidence in the whole paper system, but derogate from the character and value of all the paper abroad which could not be promptly redeemed in specie. No complaint is therefore made of the United States Bank, so far as a private institution, for acting on such occasions as a mere private and commercial institution should, and in the only manner calculated, under its present charter and our present laws, to secure its own credit and that of its bills, as a mere private banking corporation. But it is blamed, as a public institution endowed with numerous and very valuable public powers and privileges, and making lofty claims in that character as a regulator of the currency of the whole country, for not having oftener, by a credit abroad, used it in a manner to prevent the large export of specie, and for not trying with more public views to reduce and not increase the rate of foreign exchange, so as to render the large export of specie unprofitable, and the currency, which it should aid, free from much further danger when any particular exigency of that description occurred. Again, in the case of a drain of specie, to hoard during a panic like that of last winter, for instance, it is blamed for not having come forward with public spirit and for public purposes suitable to its high public privileges; and, when the panic had not extended in so great a degree to itself as to some of the State institutions, known to be entirely solvent, for not having supplied by its own increased loans, instead of enlarging by its curtailments, the vacuum made not only by the withdrawal and hoarding of specie, but by the withdrawal also of those parts of the paper currency which on such occasions are forced back on the State banks, both in payments and for redemption.

The Bank of England has obtained the credit on two or three memorable occurrences of this kind, if not oftener, of having evinced something of this public spirit, greatly to the relief of the community, however late in adopting its course, and however strongly pressed to it by the ministry before it was commenced, and however decisive pledges of co-operation it first obtained. The evidence of its favorable course towards the community at times has already been stated, in describing its small curtailments in discounts and in circulation during a few such crises, compared with those large ones made by the United States Bank during the past year. But it is quite certain that the latter institution, if not the former one, has forborne generally to render to the community all that benefit in preserving the equal quantity or equilibrium of our whole national currency, which the public had a right to expect of it as a public institution.

There has been a double mistake on this subject, first, in claiming for any National Bank under the usual organization of one so little differing from a private and mere commercial establishment, a greater power and performance in this particular than that to which it ever was entirely competent. And, secondly, in its not exercising in some instances, for public purposes, a foresight, precaution, and forbearance, to which it was clearly competent by its great privileges and monopolies, and which a strong sense of public duty and public spirit required, and which would have proved eminently useful to the public in preserving more uniformity in the whole amount of the currency. It is freely acknowledged that this would have been effected occasionally at some sacrifice of private profit, and sometimes, perhaps, as now constituted, at a small risk of private safety; yet it was an imperative portion of its official duty towards the Government and the public to bestow due attention and expense on this vital subject. Mr. Dallas, in December, 1815, very properly observed, "the National Bank ought not to be regarded simply as a commercial bank. It will not operate on the funds of the stockholders alone, but much more upon the funds of the nation. Its conduct, good or bad, will not affect the corporate credit and resources alone, but much more the credit and resources of the Government. In fine, it is not an institution created for the purposes of commerce and profit alone, but much more for the purposes of national policy as an auxiliary in some of the highest powers of the Government." The chief extent of the beneficial influence which the United States Bank appears really to have exercised in regulating the whole amount of the currency, and the goodness or security of that issued by the State banks, has consisted in the check it sometimes, from rivalship and self-interest, has imposed on other banks, by watching over and returning their excessive issues, and in which influence it acts on the same principle, though, perhaps, with less public benefit than the same amount of banking capital divided, as in Scotland and New England, into many separate banking institutions. But this influence is limited principally to the larger cities and to their banks, as the United States Bank and most of its branches are there situated; and these pursue a practice generally of refusing to receive at par the notes of most country banks, and hence, by not returning those notes promptly for specie, or requiring deposites or security to meet them, cease to exercise over them but little of the salutary check against excessive issues usually wielded by one bank over another. It has probably gone no further than this for benefit or injury, except as thirty-five millions of capital concentrated can be more beneficial or injurious, as the power is exercised on liberal or mere selfish principles, than that amount of capital divided among numerous institutions; and as one bank with that capital, and with the monopolies and benefits derived from Congress to re-enforce it, could control more widely than it could control without them. Private interest being the source and measure of this kind of regulation over the currency, it becomes highly probable that a great corporation, less amenable to public opinion than smaller ones, less inclined to conform to it, as supposed to be more able to set it at defiance with impunity; more tempted, as possessing greater authority "to feel power and forget right;" with fewer hands and hearts connected with its immediate management to be open to the promptings of patriotism, liberality, and public accommodation, than the same amount of capital among several smaller institutions, might push its control over the weak much further at times than an enlightened and honorable self-interest could justify, and might occasionally exercise it from other and less legitimate motives than the salutary enforcement of correct banking principles. It has been admitted by one of its officers that "there are very few [State] banks which might not have been destroyed by an exertion of the power of the Bank" [of the United States.] Among small local or private institutions, as in Scotland, mutual vigilance over each other has always proved a most useful check on their issues, and a most excellent regulator of the safety and amount of the paper currency, without the help of a National Bank of any kind; and the same vigilance in New England, combined with a similar foresight and shrewdness in moneyed concerns among the mass of her population, has prevented the general suspension of specie payments there at all times, as well when no National Bank existed as when it did exist, and has reduced the failures of banks there, as in Scotland, to a very small number, compared with what have occurred at sundry times in other quarters of the Union. The small extent and benefits of this kind of influence by a National Bank do not depend upon mere speculative reasoning, but can, in some degree, be computed. A few recorded facts throw much light on the question whether it has been more beneficial than that of State or local banks left to their own intelligence, competition, and sagacity, under the restrictions imposed on them by self-interest, by usage, and the State Legislatures. Before the first National Bank was incorporated here, among the three or four State banks then in existence no failure whatever occurred; but under, and notwithstanding the influence of that bank, though much better regulated as to its issues, and its management in general, than the present one, probably fifteen or twenty failures of State banks happened previous to the expiration of its charter in 1811. From that time to 1816, during which period no National Bank was in being here, the whole number of failures did not amount to more than five or six, though the whole number of the banks had increased from three or four in 1791, to eighty-four in 1811, and to two hundred and forty-two in 1816.

But since the incorporation of the present bank in the last-named year, the failures of the State banks, whatever salutary power the former has exercised, have much increased, and they have been estimated in part, and in part ascertained to have exceeded one hundred and fifty previous to 1830. In England, where the full benefits of a National Bank have been enjoyed, and have been improving, so far as there deemed practicable, more than a century and a quarter, its influence in preventing over-issues and failures among the local and private banks has proved to be very inconsiderable. During the same years, from 1816 to 1830, inclusive, the commissions of bankruptcy actually taken out against them there were two hundred and six; and the stoppages of payment in a portion of that time having been ascertained to be more than double the number of actual bankruptcies, it is probable that, during the above period, over four hundred and twenty occurred there of what would be considered here bank failures. While the whole number here in that period was only about one hundred and fifty, and judging from the account before given of our unavailable funds, nearly one hundred of those last have redeemed their bills, and many of them resumed business. Indeed, in only four particular years since 1813, two hundred and eighty-eight bank failures occurred there, computing, as before, all the stoppages at double the number of actual bankruptcies, and which two hundred and eighty-eight is probably one hundred beyond the number of all such failures in all the United States from the commencement of our banking system in 1781, to the present moment. The undersigned is aware that formerly the number of private banks there was considerably larger than here, but it is now less than double the number of State banks in operation here. Again, from 1811 to 1816, inclusive, with a National Bank, there the failures were, on the above mode of computing, over two hundred and twenty; while here, without any such bank, they were only five or six; and in Scotland, without any such bank, they have not for a century exceeded three or four, and some of these three or four in the end paid twenty shillings in the pound.

Parallel years in many cases have been selected, in order that the relative operation of great causes in the commercial world, affecting in some degree both countries, might not produce any difference in the comparative results, and that political economists might truly assign to them all the influence in these failures which they doubtless exercised, in defiance of any power of either National Bank as at present organized and administered. One or two other circumstances are very striking, such as that here, though without a National Bank, specie payments were not suspended till after the occurrence of war and actual invasion, though there, with a National Bank, after war and the mere threat of invasion, they were suspended. They spread there over the whole country, but never extended here into New England; and they continued there over a quarter of a century, though they lasted here, in general, short of three years.

These differences may in part be owing to the more severe and protracted wars in that country, and (in consequence of its vast debt, and a large portion of it being owned on the Continent, and its distant and extensive operations on land and ocean, requiring great funds and subsidies abroad) may, in part, be owing to a money market somewhat more sensitive and fluctuating than ours in the rate of exchange, and demand of specie for export. But another essential difference has existed between the condition of the private and local banks here and there. Ours have generally been subject to rigid regulations as joint stock companies, under many salutary legislative restrictions on their issues, and great publicity of late years in the condition of most of them. Theirs, till the last year, were left very much to the sole direction of the proprietors, and with no publicity of their condition; and with little check over them, except the competition of each other, and the small indirect influence of their national institution. It is not, therefore, believed to be arrogant or inconsiderate to suppose that the banking system in most of the United States has been quite as carefully, if not more judiciously, regulated by law than in England, and has in practice here, whether with or without a National Bank, been attended with fewer and less calamitous losses to the community, or injuries to the currency. In further proof of this, during the last year, public opinion gave rise there to some new legislative regulations, resembling some of ours, and especially as to greater publicity about the condition of the Bank of England. In fine, without this and certain other legislative regulations, united with some provisions incorporated into bank charters, which may be enumerated hereafter, it is in vain to expect that either National or State banks will ever be likely to perform much beyond what is merely incidental, and neither expensive nor troublesome, in regulating the currency of the country.

7. In respect to the only proposed inquiry which remains, and which relates to any increased security needed for the present paper system, and any desirable improvements in the present deposite system, the undersigned entertains an opinion that they can and ought to be obtained, not from the continuance of a National Bank,

whose influence has been so trifling on the currency, and whose power, as a fiscal agent, is now so little needed, but by alterations in respect to the State banks by the States themselves, in various particulars heretofore and hereafter suggested, in connexion with such regulations and laws, bearing on the general currency of both coin and paper, as it is competent for the General Government to adopt. Or if, contrary to the expectations of the undersigned, in the present condition of the country, or any condition soon anticipated, these alterations should be found ineffectual for all necessary and proper purposes, confided to the General Government, the increased security must arise from a still further abandonment and restriction of paper, than is now contemplated by [this Department, rendering the currency, if possible, in still larger proportions metallic. Or, in the last resort, if that, and all other remedial measures, considered lawful, should prove unsuccessful, any further securities, improvements, or powers, then deemed indispensable, and not attainable, consistently with our present constitution, must of course be sought from what is not recommended, and what is not believed to be feasible or judicious—an amendment of the constitution in relation to banks.

But the mischief justly to be apprehended from a large and powerful moneyed corporation, connected in any way with the General Government, the strong operations of which are already, and always have been, proper subjects of constant vigilance and wholesome jealousy on the part of the people and the States, is so great, that it will be time enough, whenever the people and the States shall consent to such an amendment, and to the establishment of such an institution, to discuss the proper powers, and restrictions of powers, for it. It will then be time enough to discuss, also, whether it should be a bank of mere deposite, or one of deposite and discount, and of paper issues; whether a single and central institution, or divided into three or four separate establishments for the great sections of our common country, with branches to each; whether it be wholly public, and founded on public revenue and public credit, or be only in part public; whether, in fine, it be with some effective governmental control, and, if any, to what specific extent, and by what body, public commissioners, some department, or Congress itself; or that, within the limits of our free and happy institutions, there shall be erected one institution, of a public character, and of a moneyed dominion, independent of all others—the creature superior to the creator—and a servant, on public matters, intrusted with power to affect the value of all property, and the fulfilment of all contracts, and yet be placed in an attitude to set the whole public authorities at defiance. If a National Bank of any efficient character be tolerated, either before or after an amendment of the constitution, it must be obvious that one of two evils will occur—either a great moneyed power will exist, independent, uncontrolled, and then in fact uncontrollable; or such a power will exist, with a due control by the Government, and thus enlarge greatly the present central influence of the latter, without any increase of the present restraints on it by the people and the States. Both are dangerous; and, after all these and similar considerations, too numerous for recital here, the question will still recur, whether so much is probably to be gained by such a National Bank, as will justify this indirect abolition of most of the State banks, and this condensation, to almost a single point, of all large pecuniary favors, indulgencies, and powers, and as will counterbalance the strong constitutional doubts which now exist against such an institution, and those other doubts, of enlightened and far-sighted expediency, which, in the present condition of our virtual exemption from all debt, our prosperous finances, flourishing commerce, improving currency, and easy fiscal operations, will always spring up on every side against a grant either to or by the General Government of any further great, exclusive, and concentrated power over "associated wealth." The undersigned wishes to be distinctly understood as not favorable to a national banking institution, and this being his opinion, with or without an amendment of the constitution, he does not, therefore, recommend any such amendment.

Under existing circumstances, he trusts there is a large class of the community who do not consider it prudent to renew exclusive privileges, already in their opinion become odious, to extend monopolies, already abused, or to confer increased capital and power where the exercise of those now enjoyed has been concealed, and withheld from a full examination by the public directors, and by Congress, through a committee whose authority was disregarded and contemned; or to grant to any new institution what has always been doubted by many to be expedient in any state of things, and is much more doubted in a state of things now so essentially different from that which existed at the time of conferring the former charter; and, in fine, to increase indirectly, if not directly, the great strength of the General Government of the Union, when not clearly necessary to execute, in a due manner, the express powers intrusted to its charge. Much of what is expected to be gained by such an institution, whether enlarged or otherwise modified, it must be remembered, before one shall in any way be attempted, is rather founded on speculation than experience, and may never be realized; while some of the expected gain as well as most of the advantages derived from the present bank could, without any constitutional difficulty, be probably realized from the State banks under their present organization, with merely a few additional provisions. These are such as can properly be made by Congress in respect to banks which are public depositories, and others, whose notes are received for public dues. Similar ones, without doubt, will seasonably be adopted by most of the States themselves. To these may be added such other provisions as it is competent for the General Government to make, in relation to all the banks situated within the District of Columbia.

The character of those new legal provisions which might tend to improve the present system of selected State banks, and which come within the competency of the General Government, is next to be considered. One of them relates to some essential changes connected with the circulation of small notes, and is, in the first place, to refuse to continue the use of any banks as public depositories, which after one year shall issue any notes of a smaller denomination than five dollars, or, after three or four years, of a smaller denomination than ten dollars, and subsequently to extend this restriction further or not, as experience may require. Another provision is, after those respective periods, not to receive in payment of any public dues the notes of any bank not conforming in its issues to the same regulations; and another is to prohibit the circulation or issue of all such small notes in the District of Columbia.

Some have supposed it would become necessary to impose a general tax or stamp, as suggested by Mr. Gallatin, on the issues of small notes in any part of the United States, and which tax would be of a size effectually to prevent the injurious effects of such issues. But this last measure is not recommended by the undersigned, for various reasons, that need not here be detailed, nor is it believed that such a measure will ever become necessary, should it be deemed lawful, as it must be manifest, on a little inquiry and reflection, that the banks themselves, in regard to their own safety, credit, and consequent emoluments, will in the end find no less benefit than the community will, in the disuse of small notes. The salutary influence has before been alluded to, which, in respect to the improvement of the currency, was exercised by the old rather than the present bank, in the issue of no notes smaller than ten dollars, and which last denomination is lower than any bank notes now in circulation in England, France, or Germany, and, it is believed, in any part of the Continent of Europe. This disuse in any country where the paper system prevails, is well ascertained to be the only easy mode of retaining a full supply of specie, so that it may come to the relief and security of the community during severe wars and great commercial embarrassments, and may help to sustain promptly banks themselves when hard pressed by a demand for specie, to hoard during a panic, or to export during an unfavorable rate of exchange.

A consciousness of the dangers attending the paper system in England, with a specie circulation not sufficiently enlarged, induced their National Bank, when the resumption of specie payments was contemplated, at once to acquiesce in the proposition of Parliament to call in the small notes then abroad, though the least denomination was almost five dollars, or one pound sterling, and after four years to issue none less than five pounds, or nearly twenty-five dollars. The same limitation was subsequently attached to the private and country banks, to take effect in 1829, and as to one and two pound notes, except in Scotland and Ireland, after 1825. In these last countries, however, it is understood the smallest denomination of paper usually circulated at any time has not been less than one pound; and the currency of Scotland, without further restriction in this respect, could never, probably, with so little specie, have continued so safe, and its banks in such high repute, had it not been that her great distance from London, the centre for exporting specie, and of favorable exchange against the interior, rendered it preferable to the holders of bills on Scotch banks, in times of pressure or a panic, to receive what they always make previous arrangements to give—a draft on some respectable bank or banker in London. Situated like most of the banks in the interior of New England and New York as to Boston and New York city, such a draft, instead of specie, has generally been preferred to be received from the Scotch banks, as it would be of more value in the exchange market, and would not expose the holder to the expense and inconvenience of transporting the specie three or four hundred miles to London. But the paper system has not only been greatly strengthened for all purposes, and the foundations of specie, on which confidence in it generally and chiefly rests, have been much enlarged wherever the withdrawal of small notes has occurred, but a most dangerous weapon has been taken from the hands of that class of the community most easily excited in a mere political panic, to embarrass a bank whose credit with the commercial world may at the same moment be entirely sound, and with whom, by means of the large bills, or large amounts of them in their possession, no run would at first be attempted. A run on banks in all countries, when arising from political considerations alone, has uniformly commenced with small bank notes, and by persons who, from their education, pursuits, and pecuniary condition, are most readily influenced by the designing, and most likely to be misled on any sudden and exciting occasion. Not so frequent illustrations on this subject have occurred in this country, where the great mass of the community are believed to be more intelligent; but we have not been wholly free from them, and, when occurring here, their operation has always been similar, and to be much deprecated. Thus, during the last winter and spring, had the political panic extended to the great mass of society, so as to have rendered them hostile and distrustful, instead of being generally friendly towards the State banks, it must be obvious to all, that a scene of infinitely greater embarrassment and ruin would probably have occurred with so many small notes, so widely distributed in some States among all classes, and without a broader basis of specie in the community or in the banks to sustain a severe run. Wherever there was added to this, or occurred, instead of it, any commercial panic or discredit about any particular banks, it would in most of those cases inevitably lead to a stoppage of specie payments, unless some immediate relief was interposed to meet it, like additional security for the ultimate solvency of such banks, furnished or tendered in some form or other by individual stockholders and directors, or by a State, or by the General Government. Such relief and security were then offered in some parts of Virginia in the first mode, in New York in the second mode, and to all the deposite banks in the third mode, through the confidence reposed in them, by their selection, and the large funds intrusted by the Treasury to their custody for safe keeping. It was only by the last of these modes that the United States Bank itself was probably relieved from the stoppage of specie payment early in 1819, when its specie on hand at the close of the previous year, in the mother bank and all its branches, was only about two and a half millions of dollars, to redeem a circulation of seven and one-third millions, and to meet a liability for more than nine millions of deposites. The confidence given directly and indirectly to the Bank of England, by the Government, in similar ways, contributed much to save it from commercial discredit, and to keep its bills nearly at par, in the opinion of some writers, for more than ten years after it actually stopped specie payment in 1797, and at a moment when its specie had become reduced to only £1,086,170, with a circulation to be redeemed of £9,674,780. The same confidence, probably, prevented another stoppage in 1825-'6, when its specie had fallen to £1,260,000, with a circulation of over £25,000,000 to be redeemed. But the withdrawal of small notes required by Parliament, to prevent, in some degree, the recurrence of such dangers, and to take the possession of these means from those most likely to use them unnecessarily, in a political panic, for purposes of embarrassment, has since had the beneficial effect of strengthening, in a pressure, the banks themselves, by increasing the specie circulation of that country, on which the paper in some degree rests, to an amount more than equalling its whole paper circulation; while here, the last year, and before this change was strongly recommended by this Department, the specie circulation was computed to be only about one-seventh the amount of the whole paper, and all the specie in the country was only about half the amount of the paper in actual circulation.

This withdrawal has there, also, not only in a great measure disarmed the worst enemies of the banking system in the period of a political panic, as before explained, but it has rescued the poorer classes of persons from almost the whole inconveniences to which they chiefly were exposed by the discredit of bank notes, and from most of the losses they suffered by counterfeits. Thus, if no notes circulate of such small denominations as are usually required in money to effect the purchases and payments by those classes, but they are furnished with silver and gold to effect such objects, it must be manifest they at once become relieved from any considerable apprehension about the business and credit of banks, and the apprehension is properly devolved on the wealthier and more commercial classes, for whose benefit chiefly banking institutions are incorporated. If losses, then, occur by the failure of banks, or the depreciation of their notes, those losses reach, in only a small degree, persons who seldom own the stock, or keep in their possession large notes, but fall, as they should, on the more opulent, who not only own most of the stock in banks, but reap the chief profit and accommodation connected with their establishment. In respect to counterfeits, these were so much confined to the small notes in England, as to furnish an additional reason there for prohibiting the issue of such notes; and they are in this country probably in a ratio of ten to one among the smaller notes. The reason will, on a little reflection, be obvious, as the less informed and less affluent, to whom the small bills are most frequently passed, are less qualified to detect impositions, while they are less able to bear the losses from them, than the more wealthy, who rarely are deceived by counterfeit bills.

The withdrawal of the smaller notes will, therefore, not only relieve, in some degree, all, but in a great degree the most exposed portion of the community, from frauds and injuries by counterfeit bills; but it will not, at the same time, subject them to losses, in an equal degree, from counterfeit coin. The weight of coin, independent of other tests, is a ready, easy, and almost certain mode for all classes of detecting counterfeits of any great value, since the specific gravity of gold nearly exceeds twice that of any other metal, except one and which one is expensive, rare, and unprofitable as a counterfeit.

The next essential change, to that connected with the withdrawal of small notes from circulation, and which this Department would recommend as an improvement in the present fiscal system of employing State banks, is to require the fullest returns to be made by those employed, in relation to their actual capital paid in; their discounts, circulation, specie, and other circumstances, throwing light on their probable safety and intelligent mode of conducting business. This, coupled with the power, through committees or commissioners, to verify the correctness of such returns, by actual examination in cases of suspicion, will prove a highly conservative and useful measure to both the public and the banks as well as the Government. It will not only furnish to the latter a salutary facility in discovering and revising any errors in its depositories, arising from inadvertence or misapprehension, but will increase its security, and, if the banks really merit confidence, will justly ensure to them all that improved standing and augmented trust with the community, which, in the end, must prove so advantageous, in a pecuniary view, to their proprietors. The late examinations, in England, of the most intelligent bankers and skilful financiers, led to a parliamentary provision, for the first time, in favor of minute reports from the Bank of England to the Government, and the average results of which, quarterly, are required to be made public. In 1820, Mr. Crawford went so far on this subject as, in some cases, to request of a bank a confidential "list of its debtors, showing the amount due by each." All mystery on the subject of banking should cease. It is unworthy the age in which we live, and the form of government we support; and the real condition of all banking institutions, which claim public confidence and credit, should be shown far and wide, to all interested, fully to deserve that confidence and credit. The next changes of much importance recommended, have been considered in detail in my annual report, under the remarks there offered in respect to the recent alterations in our gold coinage, and the further improvements suggested in that, and in the operations of the Mint.

The new coinage, and increased rapidity in manufacturing it, constitute an invaluable part of the present and proposed system for gradually withdrawing small notes, and substituting gold and silver. This will increase the quantity of silver in circulation, as well as introduce with it gold coin that shall be of convenient denominations for general use, and that shall possess a nominal value, so clearly equal, if not superior, to its market value for bullion, for ornamental manufactures, and for exportation to foreign markets, as to be likely to preserve it in common employment as an essential and large portion of the circulating medium. The existence of no small notes, and a similar mint and tender system in France to what prevails here, has introduced and preserved in their circulation near $170,000,000 in gold coin; while in England, with a mint system less favorable, and a tender system more favorable to gold, it there constitutes quite four-fifths of the specie part of their currency, and has increased from less than twenty millions of dollars in 1818, to more than 200 millions in 1829. It constitutes very large portions of the currency of many other European Governments, under various regulations, often less encouraging than ours to its circulation; and in a number of the Spanish American republics, as well as Brazil, it has a strong tendency to come into more general use, under a change of taste, a conviction of its benefits for larger and more distant payments, and under the increased production of it from the mines, compared with that of silver both there and in this country. Here, the production of gold has, in ten years, augmented from about $2,000 yearly, to one and a half millions, or one-fifth of all the annual produce in gold of Europe and America. The ratio of increase in the production of gold, has been, in all America, more than treble, since 1819, what it was the ten previous years, when it had been quite one-fifth beyond its former amount; while silver has decreased in about the same ratio since 1819 as since 1809, and which ratio was nearly one-half.

Another change might be useful, at some future period, in point of economy, and, at the same time, conducive to the prevention of too frequent fluctuation in any system of imports and incidental protection to domestic manufactures. It is one suggested in my annual report, whenever a large balance of money shall be on hand hereafter in permanent deposite, that either a small interest should be required on it, under certain circumstances, or that a temporary investment of all above a specified amount in the Treasury should be made in some stocks, sound and saleable, with an authority to dispose of them whenever their proceeds may be needed for public use. The particulars on this subject need not be repeated here; though some provision in relation to them, applicable to any large surplus or deficiency which may hereafter at any time unexpectedly happen, might prove prudent and profitable.

Should a regular increase or deficiency occur for a few years, the remedy would of course be otherwise attained by a change in the tariff, as this proposition is intended to apply only to excesses or deficiencies, occasional, temporary, and unexpected. The only remaining change that will now be adverted to, consists in an improvement of the currency and of the banking system within the District of Columbia.

To prevent misapprehension, it may be proper to add that, by any remarks on this subject, it is not intended to recommend that any banking institution should be organized here, with any power whatever beyond the limits of this District, or with any peculiar power, over any other bank in the country, connected with this Department, or with any power not properly adapted to objects belonging to the business and wants of the District alone. But the system and operations of banking here have been generally very unfortunate; and it does not appear to be very sound philosophy to complain of the State banks, of their deficient organization, and their insecurity or failures, when, of the banks incorporated by Congress, whether in this District or in the United

States at large, being, it is believed, fifteen in all, at least six, or over one-third of the whole number, have, at different times, failed, and all of them which were in existence in 1814, then suspended specie payments, as will be seen in the document annexed, (H.)

Our whole probable losses, as yet appearing by all of them, in all ways, though likely to be hereafter somewhat further reduced, exceed one-third of a million, or a sum equal to one-fourth of the whole amount of all our unavailable funds. These results, under the former legislation by Congress, incorporating banks, are certainly not very flattering, though the mode of doing business in this District, and the peculiar position of it and its banks, may have increased greatly and necessarily their risks and misfortunes. But the lesson taught by all this seems to be that greater caution would be useful and necessary hereafter in legislating as to banks in this District; and, in that event, little doubt is cherished by this Department that, as most of the old charters are about expiring, the opportunity to introduce more numerous restrictions and securities into any renewed ones can be advantageously improved, and some general legislation adopted for the currency of the whole District, which may prove highly useful. It might be suggested here, in detail, what, in the opinion of the undersigned, those restrictions and securities ought to be, in order to ensure the continuance of specie payments, whether by high penalties or otherwise, such as to restrain excessive issues over the amount of specie on hand, to render individuals liable to the extent of their subscribed capital not not paid in; to check discounts on too long credits, and without ample security, to prevent hazardous loans to their own directors, or on pledges of their own stock; and several other important and more doubtful considerations, like the requirement of security to the public, by stock or property, or the personal liability of the proprietors. But, as the details on these and similar points might not be deemed pertinent, unless applications were actually pending for new charters, the further consideration of the whole of them will be deferred. The undersigned would now only urge the early adoption of the general provisions which seem equally proper, and well adapted to the present as the future, and under the old as the new charters; that small notes, in the manner lately mentioned, should not be allowed to circulate at all in the District after a limited period; and that monthly if not weekly returns of the condition of all the District banks should be communicated to Congress or this Department, actual examination be made yearly into their accuracy, and entire publicity given to the results whenever the public interests appear to require it.

The present system of State banks for deposite, with the changes and regulations as to them and the currency, which the undersigned has had the honor to suggest in this report, is respectfully recommended to Congress for adoption, by a specific act of legislation. He cherishes great confidence, that the system of fiscal agency now recommended for the Treasury, so far as regards the safe preservation and convenient disbursement of public money, will continue to prove successful; and, if not, in every respect, equally so with the system preceding it, or with any other that could be substituted in the form of a National Bank, yet that in some material respects it is superior, and in others so little inferior, as not to justify an abandonment of it for any other beset with such grave questions of general expediency and constitutional power. Public confidence in the correctness of this conclusion may justly be strengthened by our experience during the past year, when the newly selected State banks, though in the infancy of the trial, with many novel difficulties to encounter, and assailed by a panic unexampled in this country, surrounded by extraordinary distress, real or imaginary, without the aid of the powerful means of the Bank of the United States, if not with those means in some places, and with its general course of policy in all places, in direct hostility, have yet passed through the fiery ordeal in perfect safety, without the failure of one of them, and without the loss of a single dollar to the Government. Besides this, the operations of the Treasury, chiefly conducted through the agency of these banks, have proceeded, generally, with ease, promptitude, and fidelity, even in the remotest sections of the Union; and the general currency of the country has, in the mean time, greatly improved, instead of deteriorated. Over twenty millions of dollars have probably been added to the specie portion of it. The entries at the custom-house, from the 1st of October, 1833, which have been received, to 4th December, 1834, exhibit an excess of importations over the exports of coin and bullion, amounting to $17,736,901, and the amount arrived but not there entered, in the same period, has probably exceeded two and a half millions. It is gratifying to see by the statement annexed, (I,) that, of those importations, gold has constituted about four millions, and that they have thus greatly, and very opportunely, aided the efforts of Congress to enlarge that portion of our currency, by giving a new nominal value to our gold coins, calculated to retain and increase them as a permanent and very useful part of our general circulation. In the continuance of the measures now in operation, with the changes proposed, it is anticipated that the metallic basis of our paper currency will be still further, though slowly, extended, by importations and the rich produce of our mines, until it rests on nearly as broad and solid a basis as in many countries of Europe; and that this will happen in due season, without abandoning the use of banks, and of paper for their appropriate duties. The withdrawal of notes under five dollars would diminish the paper circulation, where they exist, about one-fifth or one-fourth, and of notes of five dollars about one-fourth more, leaving gradually a vacuum to be filled by the additional specie, amounting to near twenty-five millions, or equal to about one-third of our whole paper circulation in 1833. The State banks would still find useful employment for much of their present capital and present amount of circulation, and the requisite quantity of specie in the place of their small notes could be easily introduced if the thirty-five millions capital of the United States Bank, after the charter expires, be diverted into other employment; because its circulation of about fifteen millions in paper would, in that event, be withdrawn; and by the notes of the State banks, and by a substitution of its own specie, aided by the large importations of specie lately made, the vacuum thus created, and the increased wants of our increasing population, would both be well supplied. If, as the present and past prosperity of our fortunate country seems to justify, a calculation be formed that an addition of at least 400,000 persons is yearly made to its whole population, it will, by computing eight dollars per head as the average amount of our circulation, require an annual addition to it, in specie and paper, of between three and four millions. The amount of bank capital now in the States, and of specie now in and about entering the whole country, may be amply sufficient at the present for all these objects and changes. Nor is it perceived that any strong probability exists of their soon becoming deficient. The rate of exchange, which, when very unfavorable, is almost the only cause that can lead to any considerable export or withdrawal of our specie, has been, during most of the past year, much below real par, which is near seven per cent. nominal advance.

During that year it has never been, nor is it likely soon to be, so much above real par as to render the export of specie profitable, and which, it is understood, must be from two to two and a half per cent. real, or somewhere between nine and ten per cent. nominal advance. As the rate of exchange depends chiefly on the balance of our foreign trade and debts, and on the remittances which are obliged to be made, for meeting them, it will be seen, that while foreign goods undergo no considerable nominal increase in price, or in the quantity wanted for consumption, (and it is to be hoped domestic manufactures, by their present protection, by improved experience and skill, and the indefatigable enterprise and industry of our people, are augmenting nearly in the ratio of our population,) the sum to be paid abroad cannot much increase, unless our debt to be paid there, or the foreign capital invested here, has become larger, or the latter has become more likely to be withdrawn. But, so far from our public debt, owned abroad, being greater, and thus continuing on our resources a drain of either specie or domestic produce, to pay the interest and principal, as it has injuriously done during the last forty years, we can justly rejoice over its entire extinguishment. It is also believed that the investments of foreign capital here in private stocks of various kinds have not altered in any considerable ratio. They were about the same amount in the two United States Banks, though, from the difference in the size of their capitals, seven-tenths of the former were owned in Europe, and probably about one fourth of the latter. From the rate of interest here and abroad, and the estimated stability and security of our institutions and Governments compared with their own, it is not apprehended that any great withdrawal of foreign capital is likely to take place from any private investment here, so as to increase essentially the amount obliged to be paid there. On the contrary, the means to meet the reduced foreign demands are believed to be much enlarged, by a rapidly extending cultivation of our new and fertile soils, and a consequent production of a greater surplus for exportation, at fair if not high prices; and by the other great conservative circumstances which exist in the present state of our country, such as an augmenting population, an entire freedom from national debt, a large reduction in the public taxes, and a condition, as to education, skill, industry, and sound morals, judicious enterprise, and almost every element of national prosperity, advancing yearly, it is hoped, higher and onward. It is not, then, presumptuous to anticipate that the balance of trade, or rate of exchange, is not likely again, very soon, to become so unfavorable as to cause any great export of specie. Another large drain of it from this country to India, during the last fifteen years, and which, from the nature of our trade there, seemed inevitable and permanent, has been chiefly stopped, in its direct course, by exports of domestic manufactures in its place, and by bills of exchange; but which last, it is conceded, must still be met in Europe, though, after a useful delay and in consequence of the sale there of part of the return cargoes, and of our increased surplus abroad from exported produce, they will be met by a diminished withdrawal of specie from this country. As flattering a prospect is therefore opened to the condition of our currency hereafter, as could exist under the present form of our constitution, construed, as it is, to render the propriety of a charter to any kind of a bank without the limits of this District very doubtful, and not to prohibit the incorporation of banks by the States, unless organized in such a form as to be tantamount to a mere emission of bills of credit, founded (as was doubtless contemplated in the prohibition in the constitution, that "no State shall emit bills of credit") on mere credit, and that the credit of the State alone.

Taking our system of a currency, then, as it is supposed to be establised by the constitution, being, as regards the General Government, a pure metallic currency, but leaving banks with paper issues, founded on a capital paid in, and not on the mere credit of a State, to be incorporated for local purposes, within the States and this District, whenever considered expedient, it is believed that the present fiscal arrangements, with the modifications previously mentioned, will continue to be as prosperous as the nature of the paper system, when it furnishes any considerable portion of the currency, will ever permit. By a change of our constitution, or by an entire change in the legislation of the States and of Congress, it is admitted that this country might adopt a purely metallic system throughout, without the use of any kinds of banks or bank paper, and thus avoid most of the injurious fluctuations in the whole amount of the currency so generally incident to the paper system, and remove chiefly the dangers and disasters, always more or less attendant on the credit involved in the paper, but which do not and cannot so much attach to coin, when made, as it is here, of materials whose inherent value for purposes of ornament and manufacture is nearly equal to its nominal value as coin. Yet, until these events shall occur, it is the part of sound philosophy and true political wisdom to improve to the utmost, consistently with constitutional difficulties, our present mixed currency. When it is remembered that, after long experience, almost every nation in Europe, and especially the most enlightened and commercial ones, have, though possessing full power to abolish wholly the paper system, deemed it good economy and a great convenience to retain it to a certain extent, for the larger and more distant operations in commerce and finance; when it is considered that the paper system is generally supposed to increase the activity of the surplus moneyed capital of a country, by collecting it into banks, and distributing it speedily, as needed, and to make a less quantity of circulating medium, employed in this way, answer the same purposes of society with a larger quantity otherwise employed; and when it is computed by many, whether justly or wisely need not here be discussed, that, through the issues of paper over the amount of specie in the vaults of banks, the public is enabled to obtain a temporary use of so much more money, as if to that extent, and for that purpose, it were a real addition to the specie capital, and at the same time to realize a saving in the wear and loss of the specie in the vaults, which it would otherwise sustain in actual use, the question becomes very doubtful whether, in this commercial and widely extended country, the anticipation can be justified, that the States or the people will soon, if ever, consent to the total disuse of banks of paper issues. But it is more probable that the discussion and increased interest attending this subject will terminate here, as in England, not in abolishing all country or local banks, though Parliament, like the States, possess undisputed power to do it; but, for the present at least, in only exercising greater care in the regulation of these banks by the States, and in creating, by both State and United States legislation, a broader basis of specie in circulation, for the increased security as well of the banks as of the community, and for the great and desirable improvement of the currency of the country.

The undersigned, however, would not be understood as inculcating an opinion that even by such increased security, or by any guards and restrictions of any kind, the State banks, or banks of any description, can be placed entirely beyond the possibility of embarrassment and failure. Besides revulsions in trade and prices, springing from ordinary causes, or extraordinary discoveries and improvements in the numerous arts and labors of life, and which, while civilization and liberty shall last, must frequently create changes in values of all kinds, and especially in the worth of the precious metals, all banks, like individuals, either directly or indirectly, by various accidents to themselves or their customers, such as robbery, fire, tempests, and wars, are exposed to occasional and severe losses. In fine, the mere credit involved so deeply in the whole paper system as a system, is a circumstance, from the evils of which, granting its benefits in other respects, it is not in the power of human ingenuity wholly to escape.

The vice or danger is inherent in credit itself when so extensive: credit, that the bills will be redeemed, and this credit depending not only on the faithful conduct of the directors and officers of the bank, and the exemption of its property on hand from inevitable casualties, but on the solvency and punctuality of the great mass of its customers, exposed in their persons and fortunes to those thousand accidents by blood and field, from which nothing mortal is secure, and against which governments the most rigid and vigilant, any more than individuals, cannot effectually guard. Governments cannot be administered without giving some credit to debtors, and to collecting, keeping, and disbursing officers. Changing the name of the debtor, or the debtor himself, from an individual to a bank or corporation, does not produce any charm on the nature of the transaction, and does not prevent it from still resting on credit, and being, in some degree, liable to all its dangers and disasters.

But the consequent embarrassments, though often inevitable, are in a greater degree inseparable from a paper than a metallic system; and it is therefore desirable either to avoid the former, whenever it can be legally effected, and without an exposure to equal injuries of a different character, or to restrict it, in the safest forms practicable, to its original and most useful purposes. It is gratifying to reflect, however, that the credit given by the Government, whether to bank paper or bank agents, has been accompanied by smaller losses in the experience under the system of State banks in this country at their worst periods, and under their severest calamities, than any other kind of credit the Government has ever given in relation to its pecuniary transactions. Hence, unless the States, and the United States, should both deem it proper, gradually, and in the end entirely, to dispense with the paper system, (and which event is not anticipated,) the Government cannot escape occasional losses from that quarter, and can never hope to escape all losses from banks as fiscal agents, except by the employment in their place of other and individual agents, who will probably be found less responsible, safe, convenient, and economical.

All which is respectfully submitted.

LEVI WOODBURY,
Secretary of the Treasury.

The Hon. the Speaker
of the House of Representatives.

CORRESPONDENCE WITH FRANCE

In relation to the refusal of that Government to make provision for the execution of the treaty between the United States and France.

Washington, *Dec.* 27, 1834.

To the House of Representatives of the United States:

I transmit to the House a report from the Secretary of State, together with the papers relating to the refusal of the French Government to make provision for the execution of the treaty between the United States and France, concluded on the 4th July, 1831, requested by their resolution of the 24th instant.

ANDREW JACKSON.

Department of State,
Washington, December 27, 1834.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 24th instant, requesting the President of the United States "to communicate to the House (if not in his opinion incompatible with the public interest) any communications or correspondence which may have taken place between our minister at Paris and the French Government, or between the minister from France to this Government and the Secretary of State, on the subject of the refusal of the French Government to make provision for the execution of the treaty concluded between the United States and France, on the 4th July, 1831," has the honor of reporting to the President copies of the papers desired by that resolution.

It will be perceived that no authority was given to either of the charges d'affaires who succeeded Mr. Rives to enter into any correspondence with the French Government in regard to the merits of the convention, or in relation to its execution, except to urge the prompt delivery of the papers stipulated for in the sixth article, and to apprize that Government of the arrangement made for receiving payment of the first instalment.

All which is respectfully submitted.

JOHN FORSYTH.

To the President *of the U. States.*

LIST OF ACCOMPANYING PAPERS.

Instructions from the Department of State.

Mr. Livingston to Mr. Rives, dated	Feb. 4, 1832.
Same to same,	Feb. 24, "
Daniel Brent, acting secretary to same,	Oct. 4, "
Mr. Livingston to Mr. Niles,	Feb. 8, 1833.
Same to Mr. Harris,	Mar. 13, "
Mr. McLane to Mr. Livingston,	June 3, "
Same to Mr. Harris,	June 18, "
Same to Mr. Livingston,	June 24, "
Same to same,	July 25, "
Same to same,	Sept. 27, "
Same to same,	Dec. 11, "
Same to same,	Mar. 15, 1834.
Same to same,	May 17, "
Same to same,	May 29, "
Same to same,	May 30, "
Same to same,	June 13, "
Same to same,	June 27, "
Mr. Forsyth to same,	Nov. 6, "

Correspondence between the Minister of the United States at Paris and the French Minister of Foreign Affairs.

Mr. Rives to the Count Sebastiani, dated	June 20, 1832.
Mr. Niles to the Duc de Broglie,	Oct. 20, "
The Duc de Broglie to Mr. Niles,	Nov. 15, "
Same to same,	Dec. 29, "
Mr. Niles to the Duc de Broglie,	Jan. 21, 1833.
The Duc de Broglie to Mr. Niles,	Jan. 31, "
Mr. Niles to the Duc de Broglie,	Mar. 21, "
The Duc de Broglie to Mr. Niles,	Mar. 26, "
Mr. Niles to the Duc de Broglie,	Mar. 28, "
The Duc de Broglie to Mr. Niles,	April 16, "
Informal note prepared by Mr. Harris for the Duc de Broglie,	May 26, "
Mr. Harris to the Duc de Broglie,	July 1, "
The Duc de Broglie to Mr. Harris,	July 1, "
Mr. Livingston to the Duc de Broglie,	Oct. 5, "
The Duc de Broglie to Mr. Livingston,	Oct. 23, "
Mr. Livingston to the Duc de Broglie	Nov. 11, "
The Duc de Broglie to Mr. Livingston,	Nov. 20, "
Mr. Livingston to the Duc de Broglie,	Jan. 4, 1834.
Same to same,	Mar. 7, "
The Count de Rigny to Mr. Livingston,	April 28, "

Mr. Livingston to the Count de Rigny,	May	2, 1834.
The Count de Rigny to Mr. Livingston,	May	8, "
Mr. Livingston to the Count de Rigny,	May	10, "
Same to same,	July	26, "
Same to same,	July	29, "
The Count de Rigny to Mr. Livingston,	July	31, "
Mr. Livingston to the Count de Rigny,	Aug.	3, "
The Count de Rigny to Mr. Livingston,	Aug.	7, "
Same to same.	Aug.	8, "
Same to Mr. Barton,	Sept.	5, "

Correspondence between the Secretary of State and the French Minister at Washington.

Mr. Livingston to M. Serurier,	dated April	26, 1833.
M. Serurier to Mr. Livingston,	April	27, "
Mr. McLane to M. Serurier,	May	18, "
M. Serurier to Mr. McLane,	May	19, "
Mr. McLane to M. Serurier,	June	3, "
M. Serurier to Mr. McLane,	June	9, "
Mr. McLane to M. Serurier,	June	17, "
M. Serurier to Mr. McLane,	Aug.	31, "
Mr. McLane to M. Serurier,	Sept.	5, "
M. Serurier to Mr. McLane,	Sept.	10, "
Same to same,	Dec.	7, "
Mr. McLane to M. Serurier,	Dec.	7, "
M. Serurier to Mr. McLane,	June	5, 1834.
Mr. McLane to M. Serurier,	June	27, "

INSTRUCTIONS.

Extract of a despatch from Mr. Livingston, Secretary of State, to Mr. Rives, Envoy Extraordinary and Minister Plenipotentiary of the United States in France.

Washington, *Feb.* 4, 1832.

I have delayed writing to you for some time, for the purpose of announcing to you that your important work had been completed by the ratification of the convention you had negotiated. I am now enabled to do this. The Senate unanimously advised the ratification; and the day before yesterday the exchange was effected. The proclamation will appear on Tuesday, and will be sent to you immediately.

Edward Livingston, Secretary of State, to William C. Rives, Envoy Extraordinary and Minister Plenipotentiary of the United States in France.

Department of State,
Washington, *Feb.* 24, 1832.

Sir: The sixth article of the convention lately concluded between the United States and France provides for the furnishing of evidence by the two Governments, in support of the claims of the citizens or subjects of the parties, respectively, under the same convention. It is the wish of the President, therefore, that you should lose no time in addressing an application to the Government of France for the benefit of the citizens of the United States having such claims, conformably with the provision of the article of the convention referred to. The letter from Mr. John Connell, who is the agent of very many of the claimants on our part, dated the 13th of this month, to this Department, will be found a good guide, as far as it goes, in designating the nature and extent of the evidence required. It is the wish of the President, moreover, that all the documentary evidence, to the same effect, which may be in the archives of the legation or consulate of the United States at Paris, should be carefully selected, and transmitted as soon as may be, with that first above referred to, by some safe and suitable opportunity, to this Department, together with lists of the whole. As some expense must, in all probability, attend the execution of this commission, the President authorizes you to defray such as may be reasonable and proper; and this will form another and distinct charge in your public accounts, to be allowed in the adjustment of them at the Treasury.

In making the application required, you are authorized to inform the French Government of the readiness of this to fulfil its reciprocal engagements with regard to any documentary evidence in its possession which may be called for.

I am, sir, respectfully,
Your obedient servant,
EDW. LIVINGSTON.

William C. Rives, Esq., &c.

Daniel Brent, acting Secretary of State, to Mr. Rives.—Extract.

Washington, *Oct.* 4, 1832.

The claimants under the convention with France await with great anxiety the production by the French Government of the documents which you have officially applied for; and the zeal with which you attend to that subject, so important to them at the present juncture, is proportionably appreciated. I have instructed our agent for claims and consul at Paris to exert himself in forwarding the same object, and have assured him that he would find you ready to afford him all the assistance in your power, and to sustain him in the performance of my instructions by your official weight and influence.

Mr. Livingston to Mr. Niles, Charge d'Affaires of the United States at Paris.

Department of State,
Washington, *Feb.* 8, 1833.

Sir: The Secretary of the Treasury, in conformity with the provision of a law of the last session of Congress, yesterday drew a bill upon the Minister of State and Finance of the French Government for the first instalment and the interest thereupon, and for the interest upon the remaining instalments, which interest is stipulated to be paid by that Government to this in twelve months from the date of the exchange of the ratifications of the late convention between the United States and his Majesty the King of the French. The bill is drawn in favor of Samuel Jaudon, cashier of the Bank of the United States, or order, and will go accompanied to the assignee thereof, in France, by a full power from the President, authorizing and empowering him, upon the due payment of the same, to give the necessary receipt and acquittance to the French Government, according to the provision of the convention referred to.

You will take an early opportunity, therefore, to apprize the French Government of this arrangement.

I am, sir, respectfully,
Your obedient servant,
EDW. LIVINGSTON.

Mr. Livingston to Mr. Levett Harris, Charge d'Affaires of the United States at Paris.—Extract.

Washington, *March* 13, 1833.

Mr. Niles being instructed to deliver over to you the books and archives of the legation, including the correspondence between this Department and the late Minister of the United States at Paris, as well as with himself, little or nothing more need be said to you upon the present occasion, except barely to refer you to those archives and that correspondence, for making you acquainted with the state of the business of the legation, and to recommend to your special care and attention the interesting concern which was given in charge to Mr. Rives, and has since been intrusted to Mr. Niles, of urging a prompt delivery of the papers and documents required of the French Government, by stipulation of the sixth article of the late convention between the United States and France, to serve as evidence of the claims of citizens of the United States, under the same convention.

Mr. McLane to Mr Livingston.—Extract.

Washington, *June* 3, 1833.

The unexpected and unaccountable failure, on the part of France, seasonably to provide for the payment of the first instalment under the convention of the 4th of July, 1831, due on the 2d of February last, will also require your prompt attention. The causes of this failure are, as yet, unexplained; and the disappointment felt by the United States at this extraordinary delay is greatly increased by the fact, officially communicated by the French minister at Washington, that, down to a date subsequent to the demand by the United States, the Executive department of the French Government had not even applied to the Legislative branch for the necessary appropriation to enable it to fulfil the stipulations of the treaty.

A copy of M. Serurier's letter to the acting Secretary of State, upon this subject, and of the answer which the President directed to be made, will accompany these instructions, and will enable you to understand the view which the President entertains of the whole transaction.

It is unnecessary here to dwell upon the obligations of the French Government to comply in good faith with the stipulations of the treaty; but it will not escape your observation that, of all the advantages secured by that convention to the Government of France, and to its citizens, they have been in the full enjoyment ever since the date of the exchange of the ratifications.

Your will therefore immediately inquire into the causes which have prevented the faithful execution of the convention on the part of the French Government, and make the ministers sensible not only of the disappointment felt by the President, but of the effect which the non-payment of the instalment is calculated to produce in the minds of the Government, and with the people of the United States, towards the Government of France.

You will promptly communicate the result of your inquiries to this Department, for the information of the President, and you will insist upon the execution of the treaty without further delay, not only by the payment of the principal and interest, subsequently accruing of the money due on the 2d of February last, but of any expense or charges of any kind which the United States will necessarily incur by reason of the failure to pay at the time of the demand.

The Duc de Broglie is understood to have expressed some regret, and even astonishment, that the United States should have undertaken to draw a bill of exchange for the amount of the instalment due on the 2d of February last. It is evident, however, that there is no foundation for this complaint, since the bill was not drawn at Washington until after the money was due in France. No inconvenience whatever could have arisen to the French Government if they had been prepared to pay when the United States had a right to demand; and an attempt to excuse its own delinquency, by complaining of the United States for the mode adopted for receiving payment, is an aggravation of the injury previously inflicted upon the interests of the United States.

Your situation in the Government at the time of this transaction, and your participation in the councils and arguments leading to it, have already made you familiar not only with the grounds by which the right of the United States to resort to that mode for receiving payment may be clearly sustained, but with the motives which recommended its adoption. This knowledge, therefore, together with the further information you may derive of the President's views, from the letter to M. Serurier, will be sufficient for your present purpose, without a more detailed discussion of the subject.

The President, however, will, under no circumstances, permit the right of the United States to draw for the instalment by a bill of exchange, accompained by the authority which was, in this instance, given to the holder of the bill, to be questioned; and he will insist upon the obligation of the French Government to pay not only the loss of interest upon the instalment until the United States shall actually receive it, but also to make indemnity for any loss which the United States may have sustained by the failure on the part of France to fulfil the stipulations of the treaty.

When the extent of these losses shall be ascertained, the demand for indemnity will be properly presented, and you will be particularly instructed upon those points on which it may be sustained. In the mean time, it will be sufficient to inform the French Government that the United States will confidently rely upon their sense of justice for such indemnity as the case shall require.

Mr. McLane to Mr. Harris.

[No. 5.] Department of State,
Washington, June 18, 1833.

Sir: A correspondence has recently taken place between this Department and M. Serurier, the minister of France at Washington, relative to the protested draft on the French Government, of which, for reasons hereafter stated, it is proper you should be informed, and a copy is accordingly herewith communicated.

Mr. Livingston, who is expected shortly to proceed upon his mission to Paris, is particularly charged to ask such explanations and such indemnity as the nature of the case may authorize and require; and it is the wish of the President that both the general and particular official management of the subject should be left for his arrival.

There is some reason to apprehend, however, that M. Serurier may not entirely have comprehended the spirit and import of the letters from this Department, and that any misapprehension upon his part, if communicated to his Government, might probably produce a prejudicial influence upon the negotiation with which Mr. Livingston is charged.

Under these circumstances, and lest Mr. Livingston's departure should from any cause be unexpectedly delayed, it is deemed proper to acquaint you with what has taken place here, and submit to your discreet judgment, should the subject be mentioned to you by the French Government, to avail yourself of that opportunity to inform the ministers, in casual conversations, that Mr. Livingston is fully instructed upon the whole subject, and to explain the views entertained by this Government; and you may add, also, such assurances of the earnest desire of the President to maintain the friendly relations happily existing between the two nations, as you may deem necessary or proper.

You will perceive, particularly from the note of M. Serurier to the Secretary of State, of the 10th instant, that he takes some pains to disclaim, on the part of France, "*les arriere-pensees;*" and also to disavow every thing like dissimulation in her acts, as if such motives or conduct had been, in fact, attributed to that Government. Why these observations were made by M. Serurier, it is not easy to discover, since it will be obvious to you, from a view of my note of the 3d instant, that such an insinuation was not even remotely hinted at. In fact, the whole tenor of the note is entirely respectful to the Government and ministry of France; and though, as is believed, it unanswerably maintains the right and propriety of the mode adopted by the United States to receive payment of the instalment, and refutes the objections taken by the Duc de Broglie to the bill of exchange, these objects are pursued and accomplished with as much decorum as the occasion allowed.

The fault was on the part of the French ministry in not being prepared to pay the instalment in any form, and it would be difficult to excuse an attempt to justify that fault by a complaint against this Government for demanding what they were justly entitled to. All this, however, will be properly represented and enforced by Mr. Livingston, under his instructions; and I have only to repeat, that the sole object of this letter is to enable you to prevent any evil or misconstruction until he can arrive and enter upon his duties. I need scarcely admonish you of the great discretion and circumspection necessary to be observed in your conversations upon this subject; but you cannot be too careful to avoid any appearance of shrinking from our ground, while we manifest a proper disposition to maintain it in a manner becoming the dignity and character of the two Governments.

I am, sir, respectfully, your obedient servant,
LOUIS McLANE.

Levett Harris, Esq.,
Charge d'Affaires of the U. S. at Paris.

Mr. McLane to Mr. Livingston —Extract.

Washington, *June* 24, 1833.

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I do not entirely understand the hesitation on the part of France to communicate the documents according to the treaty; and certainly the inconvenience stated by the Duc de Broglie, as it ought to have been foreseen previously to the treaty, should not now be permitted to interfere with its prompt execution. Nevertheless, no objection is perceived to the arrangement proposed by Mr. Harris; and you are therefore authorized to agree to the restoration to France of those documents, excepting the decrees of the French courts, which there can be no reason for including in such an agreement, after they shall no longer be necessary for the purposes of the commissioners, and for those contemplated by the treaty.

It appears to me important that this matter, as well as the demands and explanations arising out of the nonpayment of the instalment and the protested draft, should be confided entirely to your management; and this, not more than the critical state of affairs in Europe, as disclosed by Mr. Harris's letters, and other accounts recently received, would seem imperiously to require your early presence at Paris.

Mr. McLane to Mr. Livingston.—Extract.

Washington, *July* 25, 1833.

* * * * * * *

I am instructed by the President to state that it is his earnest wish that you repair to your post with all possible despatch, and that, on your arrival, you will lose no time in representing to the French Government, in bold and energetic terms, the deep disappointment the President already feels, and the injurious effects which a failure to execute the treaty must unavoidably produce upon the relations between the two countries.

I am not satisfied that, in drawing the paper he consented to prepare for the Duc de Broglie, Mr. Harris should have entered into a particular exposition of the negotiations which resulted in the conclusion of the treaty. That convention should be treated as finally and conclusively settling the rights, and fixing the obligations of the parties, and as rendering unnecessary on either side, and on that of France improper, any allusion to the past.

You will require no remark from me to enforce the obligations of the French Government under the treaty. It is enough that by it the national faith is pledged, and it will be your duty to let it be clearly understood that this Government will rigorously insist upon the prompt and complete fulfilment of all the stipulations.

The hesitation which already has been manifested upon this subject is wholly unwarrantable and unaccountable. There is too much reason, however, to apprehend that the ministers themselves have not acted with becoming alacrity; and you are already aware that the spirit of opposition has been manifested, chiefly by the ministerial party. This is the less excusable, because the present King is understood to have been active in promoting the conclusion of the treaty, and is, on that account, under peculiar obligations to ensure the cooperation and support of his own friends.

The President expects, therefore, that you will immediately inquire into, and, if possible, ascertain, the real cause of the hesitation and delay which have already taken place: and he directs that you will early demand of the French Government an explicit statement of the views and intentions of the King and his ministers, and also of their future expectations, in order that such measures as the occasion shall, in his judgment, require, may be promptly adopted.

Mr. McLane to Mr. Livingston.

[No. 9.] *September* 27, 1833.

Sir: In a despatch from this office, addressed to your predecessor on the 18th of June last, was enclosed a copy of the correspondence, prior to that date, between this Department and M. Serurier, the French minister, regarding the non-fulfilment, on the part of France, of the stipulations of the indemnity convention of the 4th of July, 1831. I have now the honor to transmit to you copies of three official notes relating to the same subject, which have since passed between the Secretary of State and the diplomatic representative of his Majesty the King of the French. These documents, in connexion with those previously sent, will, it is believed, put the legation at Paris fully in possession of all that is necessary to a perfect understanding of the present state of this affair at Washington. Confident that you will take an early opportunity, after your arrival at Paris, to make application to the French Government, in obedience to your instructions, for such redress and explanations as may be just and proper on the occasion, much anxiety is felt here to be promptly advised of the progress of your negotiation; and the President entertains a lively hope that a satisfactory arrangement of existing difficulties may yet be made in season to be communicated to Congress at the commencement of the approaching session.

I am, with great respect,
Your obedient servant,
LOUIS McLANE.

Edward Livingston, Esq., &c.

[*Accompaniments.*]

Letter from M. Serurier to Mr. McLane, 31st August, 1833.

Letter from Mr. McLane to M. Serurier, 5th September, 1833.

Letter from M. Serurier to Mr. McLane, 10th September, 1833.

Mr. McLane to Mr. Livingston.

[No. 10.] Department of State,
Washington, December 11, 1833.

Sir: Your despatches to number 10, inclusive, with the exception of the ninth, have been received; the three last only the day before the President sent his message to Congress.

The President could not adopt your suggestion for recommending the suspension of the act of Congress executing the convention, on the part of the United States, inasmuch as that measure would have weakened the strong ground on which we now stand, and deprived us of the advantage we now possess in having promptly fulfilled our engagements. The true policy is scrupulously to fulfil our engagements, and rigidly to exact a similar performance from others. In this spirit your instructions were conceived, and by the same spirit the future policy of this Government will be guided. Should the United States unfortunately be driven to coercive measures to enforce the treaty, it is not probable that they will be of so mild a character as that you have suggested.

The President is much gratified at the manner in which you have already entered upon and conducted the important business of your mission; and he does not doubt that you will use every exertion in your power to effect an appropriation at the earliest period after the meeting of the Chambers. On this subject it will be important to allow the past to offer an admonition for the future, and to guard against similar embarrassments by an appropriation for the instalments which may hereafter become due. It is hoped, therefore, that you will find little difficulty in prevailing upon the King and his ministers to obtain such a law as will authorize the payment of each of the instalments, as they severally fall due, without the necessity of recurring again to the Chambers. This would not only be wise and prudent in itself, but expedient and advantageous for the ministry. It would, moreover, be only a fair concession to us for previous disappointment, and a proper manifestation on the part of the French Government of their desire to avoid the recurrence of difficulty in future.

I am, sir, with great respect,
Your obedient servant,
LOUIS McLANE.

To Edward Livingston, Esq.
Envoy Extraordinary and Minister
Plenipotentiary of the U. S. in France.

Mr. McLane to Mr. Livingston.

[No. 15.] Department of State,
Washington, March 15, 1834.

Sir: Your despatch No. 23, dated the 22d of January, was received at the Department on the 13th instant, and has been submitted to the President.

It is believed that there can be no reasonable doubt of the obligation on the part of the French Government to communicate to the United States the records of her courts free of expense. The change of the word "communicate," used in the convention, from that of "deliver," in Mr. Rives's projet, cannot vary the obligation. The word "communicate" is not less significant than the word "deliver," in regard either to "documents" or "titles," but is more comprehensive and more appropriate in regard to other matters; and it may well be supposed to have been used in the convention, in preference to the word "deliver," because, by the sixth article, not only documents and titles, but "other informations" necessary to facilitate the liquidation of the claims, were to be imparted; and as to these "other informations," the word "deliver" would not have been pertinent.

The plain engagement of the Government of France, under the sixth article, is to communicate to that of the United States, by the intermediary of the legation, the documents, titles, or other informations, proper to facilitate the liquidation of the claims. The common and natural import of the word "communicate" is, to impart to others what is in one's own possession, to give to others as partakers, to bestow, and to confer a joint possession; in either sense the word is sufficiently comprehensive and explicit to require of France to confer upon the United States a joint possession of the records necessary in the execution of their joint convention.

To understand this engagement properly, it should be considered no less in reference to the objects of the treaty than to the purpose to which the documents or informations are to be applied.

It is an engagement between the Governments that each will communicate to the other the documents in their possession, respectively, for the purpose of being used as evidence in the liquidation of claims guarantied by the treaty. Now in what manner can "documents" or "titles" required for this purpose be communicated? In no other way, it is presumed, than by bestowing the originals, or copies, or imparting their contents in such an official and authentic form as will render them competent evidence for the purpose to which they are to be applied. The joint possession of these documents, to which the United States are entitled, as is implied by the treaty, could not be in any other manner conferred.

While France may be free to adopt either of the above modes, as may best suit her convenience, it cannot be pretended, if she adopt the one imposing the greatest labor upon her own officers, that the United States can be bound to pay the expense incurred for her own accommodation.

You will not fail to observe, moreover, that this is not an engagement that individuals may procure from the courts of France copies of their records—a right existing independent of the treaty—but that the Government of France will communicate those records to the Government of the United States. The Government of France also has engaged to do this without any condition whatever annexed to her stipulation; but if it has a right to require fees and expenses attending the fulfilment of the engagement, it not only annexes a condition, but one which might prove extremely onerous to the Government having the right of a joint possession of the documents, if not destructive of the objects of the treaty. The right to annex such a condition, moreover, would render the sixth article of the treaty nugatory; inasmuch as, independently of that engagement, either the Government of the United States, or their individual citizens, would have been entitled to apply for copies of judicial records upon paying the fees of office. It is clear, therefore, that the treaty meant to create an unconditional obligation on the part of the French Government to do something more, and on different terms, than she could have been required to do without it.

The President persuades himself that you will see, in these observations, a clear right to insist upon a communication of these documents free of expense, and that you will be able to convince the French ministry that their interpretation of the sixth article cannot be regarded as a literal execution of the treaty. I may add, also, that the records of the courts are not only the most important, but, indeed, the only important documents proper to facilitate the liquidation of the American claims; the other papers to which your letter relates, being, for the most part, immaterial, and not particularly required, either by the claimants or the commissioners.

It is the desire of the President that you will lose no time in bringing this matter to a close, and, if your renewed exertions should fail in producing a change in the views of the French ministry, that you will, nevertheless, direct the copies to be made, and inform this Department of the sum which will probably be required to pay the expense, in order that the necessary steps may be taken for its payment.

I am, with great respect,
Your obedient servant,
LOUIS McLANE.

Edward Livingston, Esq., &c.

Mr. McLane to Mr. Livingston.

[No. 21.] *May* 17, 1834.

Sir: Your despatch (No. 34) of the 3d ultimo, informing me of the rejection, by the Chamber of Deputies, of the bill for carrying the convention into effect, was received some days ago. That extraordinary proceeding has produced in the President's mind the most painful surprise. After the assurances which had been made to you, both by the King and his ministers, the President was authorized to expect that the most prompt and effectual measures would have been adopted for fulfilling the stipulations of the treaty—measures alike due to the forbearance shown by the United States, and to the good faith professed by France.

You will see, by the public papers, that the country participates in the disappointment felt by the President. What measures may be called for by a proper regard for the rights and honor of the United States, the President will not undertake to decide until he is more fully informed of the effect and character of the proceeding in the Chamber of Deputies, and of the sentiments and intentions of the French Government on the subject, but particularly of the state of the proposition submitted by you to the King. Your next despatches will probably contain the necessary information on these points, and hence they are looked for with great solicitude. Friendship with France has always been one of the objects of our foreign policy, and it would be a source of deep regret to the people and Government of this country to find themselves compelled to resort to proceedings of a contrary aspect. The President, therefore, hopes to see, by your expected communications, that the conduct of the French Government is such as to remove the anxiety which the unsatisfactory explanations and assurances contained in your last despatch had left undiminished. I will not conceal from you my opinion, however, that if the explanations and assurances which may be offered by the new ministry shall not be more satisfactory, the President will think himself called upon to recommend the adoption of such measures as shall be calculated to vindicate the rights and honor of the country.

I have the honor to be, sir,
Your most obedient servant,
LOUIS McLANE.

Edward Livingston, Esq., &c.

Mr. McLane to Mr. Livingston.

[No. 23.] *May* 29, 1834.

Sir: Since my despatch of the 17th instant, I have received yours numbered 35 and 36, and laid them before the President. The additional information which they contain is but little calculated to diminish the President's dissatisfaction at the failure of the French Government to carry the convention into effect. But, as you state that a corvette had been sent out with instructions to M. Serurier to make the necessary explanations, the President has decided to wait a reasonable time for her arrival, before he makes any communication on the subject to Congress, though he entertains little hope that M. Serurier's explanations will be calculated to diminish the necessity of energetic measures on the part of this Government.

In the meantime, I am directed by the President to express his approbation of your conduct in relation to the matter.

I enclose a duplicate of my despatch No. 21.

I have the honor to be,
Your most obedient servant,
LOUIS McLANE.

Edward Livingston, Esq., &c.

Mr. McLane to Mr. Livingston.

[No. 24.] Washington, *May* 30, 1834.

Sir: I have caused to be collected and translated the proceedings and discussions in the Chamber of Deputies, relative to the convention between the United States and France, for the purpose of being transmitted with the President's message to Congress on the subject. For more convenient reference, I have had the collection printed; intending, however, to keep it in the Department until the message is sent. Presuming that it may be useful to you to possess a copy, I now transmit one. We are without any further advices from France since my last despatch.

I have the honor to be, sir,
Your obedient servant,
LOUIS McLANE.

Mr. McLane to Mr. Livingston.

[No. 28.] Washington, *June* 13, 1834.

Sir: In accordance with the request contained in your despatch No. 36, I forward the accompanying paper, which shows that the Board of Commissioners, under the treaty with Spain of 22d February, 1819, decided against the admission of the class of claims embracing the American vessels confiscated at Bayonne, upon the ground that neither the general principles of the law of nations, nor the stipulations of the treaty of 1795, imposed any liability on Spain for wrongs done to others, within her territory, by her own open enemy. The persons interested in the cases alluded to have consequently received no indemnification.

The last despatch received from you is dated the 23d April, (No. 37,) which reached the Department on the 7th instant.

I am, sir, with great respect,
Your obedient servant,
LOUIS McLANE.

[Paper referred to in the preceding despatch.]

Extract from the final report of the Commissioners under the Florida Convention, recorded in their journal, 8th *June,* 1824.

"And in determining on the liability of the Spanish Government under such supposed circumstances, the commission have uniformly taken as their guide the laws of nations, and the stipulations of the treaty concluded between the United States and Spain on the 27th of October, 1795. Acting in pursuance of this general rule, the commission has refused to receive, as good claims against Spain, any of those which sought redress for the numerous wrongs and injuries inflicted by the power of France upon the rights of citizens of the United States, within the ancient limits of Old Spain, during the period intervening between the invasion and expulsion of the French armies in 1813.

"The general principles of the public law were not considered as imposing a liability on any nation for wrongs done to others within its territory by its own open enemy; nor did the treaty of 1795 impose upon Spain any obligation to do more than to endeavor, by all means in her power, to protect and defend American effects, which should be within the extent of her jurisdiction, and to use all her efforts to recover, and cause the same to be restored, if taken within the same: obligations which, as they regard the cases now referred to, no doubt existed with the commission, Spain felt and would have satisfied, if within her ability so to do."

Mr. McLane to Mr. Livingston.

[No. 29.] Department of State,
Washington, June 27, 1834.

Sir: Since my despatch to you of the 13th instant, your despatches Nos. 38 and 39 have been received. The communication which you were informed M. Serurier would be instructed to make to this Government has also been received; and a copy, with my answer, is now enclosed for your information. You will see that, although no explanation is afforded of the causes which led to the rejection of the bill by the Chamber, yet the assurances of the King's adherence to the treaty, and of the determination of the King and his Government to use all constitutional means in their power, both to induce the Chamber to carry it into effect, and to hasten the time when it may be acted upon by the Chamber, are so strong, that, without imputing the grossest bad faith, it is impossible altogether to reject them. It was, moreover, evident, from the discussion in the Chamber, that the assurances which had been made to you of the sincerity of the ministers were, in a great degree at least, well founded; indeed, the speeches of the Duc de Broglie, in which the obligations of France on the subject were urged with an ability and frankness that reflect the highest honor on that eminent minister, were perhaps sufficient to remove all doubt upon that point.

The President, therefore, upon the considerations stated in the note to M. Serurier, decided to afford an opportunity for further action on the part of the Chamber, and to rely upon the efforts of the King's Government to obtain an early and favorable result. In coming to this conclusion, however, you are to understand, and cause it to be distinctly announced to the French Government, that the President has looked to the assembling of the new Chambers as soon after the new elections as the King, according to the charter, has the power to convoke them. The letter of M. Serurier is understood to convey this assurance, by the direction of his Government. It is, moreover, due to the national honor of the United States, as indeed it is to that of France, that no time should be lost in making the appeal which the King's Government has promised, from the decision of the old to the new Chamber; and I have, therefore, to repeat, that an early convocation of the Chambers is considered by the President as within the declared intention of the King's Government to use all the powers confided to them to hasten the decision by the Chambers.

That measure, moreover, is not only due to the United States, but is necessary with a view to the adoption of such measures as the decision may require at the next session of Congress. That session, as you are aware, will terminate on the 3d of March next. If the meeting of the Chambers should be postponed to the ordinary period in December, the result will not be known at Washington in time to be acted upon before the adjournment. The President cannot, and will not, under any circumstances, permit the next session of Congress to terminate without asking for their definitive and energetic action upon the subject. Indeed, it is his intention, resting upon the assurances of the French Government, given by M. Serurier, to bring the subject before Congress for this purpose at the opening of their next session, of which the French Government should be immediately informed. It is expected, therefore, that the Chambers will be convoked in time to allow him to be informed of their decision before the opening of the next session of Congress.

As great error seems to prevail in France as to the true amount of the spoliations committed on the commerce of the United States, I send you a report, made by the commissioners appointed under the law to carry the treaty into effect, showing the amount of the claims which have already been filed before them. This report was made in pursuance of a resolution of the Senate, and is entitled to the highest confidence. Though the amount claimed is, in each case, that set forth by the claimant, and may therefore be exaggerated, yet it is stated by him on oath, and has consequently all the sanction that can, in the present stage of the business, be given it. The amount, it is true, includes part of the property (for all the claims have not yet been presented) which was condemned under the Berlin and Milan decrees, while asserted by the French Government to have been in force. But although the French negotiators sought to exclude claims founded on those condemnations, the United States have never acquiesced in the validity of those decrees; and though those condemnations may have been made more according to the forms of law, they have nothing else to distinguish them from all the other unjust spoliations committed on our commerce. It is fair, too, in estimating the injury done to our citizens, to add the interest on the property taken away from our citizens, that being as much a loss as the principal.

I transmitted to you, with my last despatch, the evidence which you requested, to show that no indemnification has been received for the vessels seized at St. Sebastian, and sold at Bayonne. These papers are sent to you only to be used informally, and at your discretion, in your conversations with the ministry and others; and the foregoing remarks on our claims are made for the same purpose, and not with a view to any new negotiation, or any modification of the treaty. Upon this point the President's determination is fixed, and is not to be changed by any circumstances whatever. In giving his consent to the convention, he yielded all that he could yield, consistently with the rights and interests of the United States, for the sake of an amicable termination of the differences between the two countries. But there he will stop. It is his duty to the honor of his country, and to every principle of national faith; and it is, therefore, his determination to cause the treaty to stand as it is, and to be carried into effect to the letter and in good faith. If the French Chamber, uninfluenced by all those high considerations which belong to the subject, should refuse to carry into effect the convention solemnly made in that spirit, and for that object, the responsibility for the consequences will be all its own.

The President, however, anticipates no such result. He relies, as M. Serurier has been requested to inform his Government, upon the good faith of the King and his Government, and of the Chamber itself, and of the French nation, for a prompt and full performance of all the conditions of the treaty. He expects you will lose no time in making his views and intentions clearly known to the French Government; and you will particularly ascertain and transmit early information to the Department, at what time it may be expected that the Chamber will be convoked.

In consequence of an allegation, in the Chamber, of some of the members who opposed the law, that Mr. Barlow had offered to receive eighty licenses as a full indemnity for our claims, I had hoped to have it in my power, by this opportunity, to enable you to refute the statement. Mr. Barlow's instructions, however, are not to be found in the Department, and his executors have not yet furnished the copies in their possession. I am enabled now to inform you, however, that the offer, if made by Mr. Barlow, was not authorized by his instructions; and, when accidentally communicated to his Government, was distinctly disavowed and disapproved by the President. If a suitable opportunity should offer, it will be well for you to give the necessary refutation of a statement which, if believed, might be injurious to our national pride and honor.

I am, with great respect, yours, &c.
LOUIS McLANE.

To Edward Livingston, Esq., &c.

Mr. Forsyth to Mr. Livingston.

[No. 43.] Department of State,
Washington, November 6, 1834.

Sir: Your despatches, and those of Mr. Barton, to No. 56, inclusively, have been received, with copies of your correspondence with the Government of France, to the 7th of August, on the subject of the treaty of the 4th of July, 1831. I have the President's directions to express his approbation of your conduct, his regret at the indisposition that has rendered a temporary absence from Paris necessary, and his hope that a speedy restoration to health will have enabled you to resume your post before this communication can reach France. It is especially desirable that you should be in Paris, that the Government of the United States may be apprized, at the earliest possible hour, not only of the final determination of the question of appropriating the funds for the execution of the treaty, but of every decisive indication of opinion relative thereto, in the administration or in the legislative Chambers.

It is not the wish of the President that you should urge again the propriety of a called session of the Chambers. His just expectations have been made known and disregarded. He has been disappointed. The causes assigned by Count de Rigny are not satisfactory to him. The President did not rely on M. Serurier's assurances of the *disposition* of the administration of France to hasten, by all constitutional means, the presentation of the law to the new Chambers. He relied upon the solemn assurances of the minister of France that it was the *intention* of the administration to use all constitutional efforts for that object—an intention, it seems, not to be executed until the exercise of the constitutional power of the King, in that regard, is entirely compatible with the personal convenience of the individuals composing the legislative branch of the Government. Personal convenience public functionaries must disregard, when duty requires the performance of an act of justice. In construing M. Serurier's note of the 5th of June last, it is by substituting *disposition* for *intention*, that the Count de Rigny is enabled to persuade himself that there is nothing in the course prescribed to itself by the Government of France inconsistent with those declarations contained in it, upon which the President took upon himself the high responsibility of omitting immediately to communicate to Congress the rejection, by the Chamber of Deputies, of the law appropriating funds for the execution of the treaty; and to recommend, at the same time, to that body, the measures in his judgment proper to be adopted on that most unexpected event. It may not be inexpedient, before the assembling of the next Legislature, to make Count de Rigny sensible of the source of the error into which he has fallen; and that the President could not, without disregarding the plain import of simple language, have anticipated the course that has been decided upon.

Leaving the whole matter to the increased responsibility of France, the President will place the subject in its just light before Congress, at the opening of the session, and await, with tranquil confidence, the result of the action of the legislative functionaries of France and of the United States. I am, sir, your obedient servant,
JOHN FORSYTH.

CORRESPONDENCE BETWEEN THE MINISTER OF THE UNITED STATES AT PARIS AND THE FRENCH MINISTER OF FOREIGN AFFAIRS.

Mr. Rives to the French Minister of Foreign Affairs.

Paris, *June* 20, 1832.

Monsieur le Comte: The sixth article of the convention between his Majesty the King of the French and the United States of America, concluded at Paris on the 4th day of July, 1831, and the ratifications of which were exchanged at Washington on the 2d day of February last, declares that "the French Government and the Government of the United States reciprocally engage to communicate to each other, by the intermediacy of their respective legations, the documents, titles, or other informations proper to facilitate the examinations and liquidation of the reclamations comprised in the stipulations of the present convention."

The Government of the United States being about to enter on the examination and settlement of the various claims of its citizens provided for by the said convention, with a view to a just distribution among them of the indemnity stipulated in their favor, I have been instructed, in conformity to the article of the convention above cited, to apply to your excellency for a communication of such documents, in the possession or under the control of the French Government, as, relating to the origin and formation of those claims, will be found necessary to a correct decision of them. Those which are deemed, at the present moment, particularly necessary, are indicated in a schedule, which I have the honor to annex to this communication. I have been instructed by my Government, at the same time, to inform your excellency of its readiness to furnish any documents which may be called for in reference to the claims of French citizens comprised in the stipulation of the abovementioned convention.

I seize, with eagerness, this occasion to express to your excellency the high consideration with which I am your excellency's very obedient and very humble servant,
W. C. RIVES.

To His Excellency Le Comte Sebastiani, &c.

Schedule referred to in the within letter.

1st. The judgments of the Prize Court and the Council of Prizes, at Paris, in all cases affecting the property of citizens of the United States.

2dly. All sentences of condemnation of American vessels and cargoes *decreed* or ordered by the *Emperor himself;* and, also, all original papers found on board American vessels at the time of their capture, now in the possession of the French Government.

3dly. Any decree or order of the Imperial Government, directing the proceeds of American property (including that received from Spain and Holland) to be placed in the caisse d'amortissement, or in the public treasury of France.

4thly. Any evidence relative to the capture or destruction at sea, or within the jurisdiction of any foreign State, of American property, where there were no judicial proceedings.

Mr. Niles to the Duc de Broglie.

Paris, *October* 20, 1832.

Monsieur le Duc: The sixth article of the treaty concluded between the Government of France and the United States, on the 4th of July, 1831, stipulates for the reciprocal delivery of all documents, titles, and other information in the possession of the respective Governments, which may be thought necessary to the examination and liquidation of the claims of the citizens of the two Powers, for which it is a principal object of said treaty to provide. Soon after the ratification of the treaty, the American minister near his Majesty's Government received instructions from that of the United States to request an early communication of certain documents, which were found more immediately necessary to enable the commission instituted at Washington, for the examination and decision of the claims of American citizens, to proceed in their labors. His excellency Mr. Rives, accordingly, had the honor, on the 20th of June last, to address a note on the subject to his excellency Count Sebastiani, accompanied by a specification of the classes of papers and documents requested.

As no answer to this communication has yet been received, I beg leave to call the subject of it to your excellency's attention. The law of Congress that provides for the appointment of the commission having limited to two years, from the first Monday of August last, the period within which all the cases submitted to it are required to be decided, your excellency will perceive that it is of the utmost importance to the claimants that no further time should be lost in bringing before that body the documentary evidence on which their claims are founded, and will, I doubt not, give such a direction to the researches for the papers in question as will put it in my power to transmit them to Washington with the least possible delay.

To enable your excellency to understand, at once, the nature of the documents called for, I have the honor to enclose a copy of the schedule which accompanied the abovementioned letter of Mr. Rives to Count Sebastiani.

I have the honor to renew to your excellency the assurances of the most distinguished consideration with which I am your excellency's most obedient and most humble servant,

N. NILES,
Charge d'Affaires Etats Unis.

The French Minister of Foreign Affairs to Mr. Niles.

[TRANSLATION.]

PARIS, *November* 15, 1832.

SIR: You have done me the honor to remind me of the note which Mr. Rives addressed to General Sebastiani, demanding the delivery of various documents, according to the sixth article of the convention of July 4, 1831.

This demand has occasioned many questions, on which the King's Government has judged it not proper to decide until the termination of the researches which have been ordered among several of the public archives. These researches are proceeding with activity, and I have reason to believe they will soon be terminated. When the King's Government has formed its opinion, you may rely, sir, upon my giving you information of it as speedily as possible.

I have the honor to be, sir,
With distinguished consideration,
Your most obedient servant,
V. BROGLIE.

To Mr. NILES,
Charge d'Affaires of the United States.

The French Minister of Foreign Affairs to Mr. Niles.

[TRANSLATION.]

PARIS, *Dec.* 29, 1832.

SIR: I regret very much that I cannot yet send you a complete answer to all the demands addressed by Mr. Rives to the King's Government, on the subject of the sixth article of the convention of July 4, 1831. However, as I have obtained a part of the information desired by your Government, I consider it proper instantly to transmit it to you.

I therefore send you two lists, drawn up by the general administration of the custom-houses, one of which gives the names and values of the American vessels seized or sold by the former general direction of the custom-houses of Antwerp; and the other the names and values of the American vessels seized or sold in like manner at Bayonne. To these lists, I will, if you think proper, cause an attestation of their authenticity to be appended.

Accept, sir, the assurances of the distinguished consideration with which I have the honor to be your most humble and obedient servant,

V. BROGLIE.

To Mr. NILES,
Charge d'Affaires of the United States.

Mr. Niles to the French Minister of Foreign Affairs.

PARIS, *January* 21, 1833.

MONSIEUR LE DUC: I have the honor to acknowledge the receipt of your excellency's letter of the 29th ultimo, accompanied by two tabular statements or états of American vessels sequestered by the French Government, the first comprising the American vessels seized within the custom-house direction of Antwerp, (direction des douanes d'Anvers,) after the 21st November, 1806; the second comprising the American vessels sequestered in Spain, and, with their cargoes, sold at Bayonne in the year 1810, by order of the then chief of the French Government. These tables will undoubtedly be of great use to the commissioner appointed by the United States Government to examine and liquidate the claims of American citizens under the treaty with France of July 4, 1831, although the facts which they contain are not of such a nature as to preclude the necessity of calling for the original ships' papers found on board the several vessels mentioned, and which alone can furnish satisfactory evidence of the proprietorship and original value of the property confiscated. I have, therefore, to beg your excellency to give the necessary instructions for the delivery of such original ships' papers, taken from on board the vessels in question, as may be in the custom-house at Bayonne, Paris, or elsewhere, under the control of the French Government.

Your excellency will permit me to avail myself of the present occasion to express the great impatience with which my Government awaits an answer to Mr. Rives's letter of the 20th of June last; and as it is of the utmost importance for the commission, now in session at Washington, to be possessed as early as possible of all such documents as may serve to facilitate the examination of the claims, to solicit, in the mean time, any other tables of different classes of American vessels which may be already prepared and in your excellency's power to communicate.

I have the honor to remain, &c.

N. NILES,
Charge d'Affaires of the United States.

The French Minister of Foreign Affairs to Mr. Niles.

[TRANSLATION.]

PARIS, *January* 31, 1833.

SIR: In acknowledging the receipt of the two lists which I had the honor to address to you on the 29th ultimo, you observed that they did not seem calculated to supply the place of the ships' papers which were found on board the several vessels contained in said lists, and you, in consequence, express a desire that these papers should be delivered to you. You also remind me of the demands addressed by Mr. Rives to my predecessor on the 20th of June last, and conceive that, while a complete answer to them is in preparation, it would be desirable that any lists of American vessels which have been confiscated, as may be in my possession, should be delivered.

I willingly comply with the latter wish by sending you,

1. A list of all American vessels condemned by the Prize Council between the first of January, 1807, and the 1st of November, 1810, with notices where they could be furnished, of the reasons on which the decisions were based, and of the articles composing the cargoes.

2. A list of vessels condemned by the Prize Council since the 1st of November.

3. A list of vessels condemned by imperial decisions, from the 1st of November, 1810, to the period of the general peace. I expect soon to be able to send you a similar list of American vessels burnt at sea.

As to the ships' papers of the vessels comprised in the lists I have previously sent, the decision of the King's Government, with regard to their delivery, will be, in principle, subordinate to that which may be taken with regard to the demands of Mr. Rives. I can, however, now say that, according to the information obtained at first from the general administration of the custom-houses, it is very doubtful whether the papers you require are still to be found in the archives of the Government. I shall not delay in letting you know the determination of the Government with regard to the demands of Mr. Rives.

I have the honor to be, sir, with the most distinguished consideration, your most humble and obedient servant,

V. BROGLIE.

Mr. Niles to the French Minister of Foreign Affairs.

Paris, *March* 21, 1833.

Monsieur le Duc: I have this morning received a despatch from my Government, by which I am apprized that the Secretary of the Treasury of the United States, in conformity to the provisions of a law of Congress, has negotiated a draft upon the Government of France, for the amount of the first instalment due under the treaty between the United States and the King's Government of the 4th of July, 1831.

The amount of the draft is composed of capital and interest, computed according to the stipulations of the abovementioned treaty, forming a sum of four millions eight hundred and fifty-six thousand six hundred and sixty-six francs and sixty-six centimes, (frs. 4,856,666 66,) and is drawn in favor of Samuel Jaudon, cashier of the Bank of the United States, or order, and will be presented for payment by the assignee thereof in France, together with a full power from the President of the United States, authorizing and empowering him, upon the payment of the said draft, to give the necessary receipt and acquittance to the French Government, according to the provisions of the treaty referred to.

In obedience to the instructions of my Government, I hasten to communicate this intelligence to your excellency.

The bill is, as I understand, drawn upon his excellency the Minister of Finance, and will, in all probability, be presented for payment, at the Finance Department, in the course of a day or two from this date.

I have the honor to reiterate to your excellency assurances of the highest consideration with which I am, Monsieur le Duc, your very humble servant,

N. NILES.

Son Excellence le Duc de Broglie,
Ministre Secretaire, &c.

The French Minister of Foreign Affairs to Mr. Niles.

[translation.]

Paris, *March* 26, 1833.

Sir: I received your letter of the 21st instant, informing me that the Secretary of the Treasury of the United States, according to a law of Congress, had negotiated a bill drawn on the Minister of Finance of France, for the payment of the first instalment of the sum stipulated in the treaty of July 4, 1831.

It is a source of regret, and indeed of astonishment, that the Government of the United States did not think proper to have an understanding with that of France before taking this step. It was well known in Washington, that, according to a constitutional principle, which is also rigorously observed in the United States, this treaty of July 4, 1831, could not take effect in France until it had received the assent of the Legislature in all its financial particulars. Circumstances, over which the King's Government have no control, have hitherto prevented it from asking for such sanction; and although the treaty does not contain any express stipulation as regards the necessity of such assent, yet it should not the less be considered as implied, inasmuch as it necessarily arises from the nature of things, and the fundamental maxims of our public law. We therefore had every reason to expect that the United States would, of themselves, see the necessity of delaying any measure like this until the Legislature of France, on being asked to vote the supplies for paying the sums agreed upon in the treaty of July 4, 1831, had granted them, and thus enabled the Government to fulfil its engagements, or, at least, that any such measure would have been made to depend upon this grant.

I have also to observe, sir, upon the mode adopted for receiving payment, according to the terms of the treaty, how irregular it is, and how much at variance even with the dispositions of that treaty. By the second article, the sum of twenty-five millions is to be paid, in certain instalments, into the hands of the person or persons authorized to receive it by the Government of the United States; that is to say, that, according to the custom generally observed, all that regards the execution of the essential clauses of the treaty is to be done by means of communications between the two Governments themselves, or between their agents furnished with special powers thereunto. Now, in my opinion, the United States Government, by negotiating with a third party a bill drawn upon the Minister of Finance in his individual capacity, instead of conferring special authority upon the person charged with receiving the amount of the instalment, has gone out of the natural course which the treaty itself points out, and which is supported by so many precedents. You, sir, must yourself have made this observation, and I am convinced that your Government will, as soon as it is laid before them, appreciate the justness of it.

It is needless for me to say that the King's Government has no intention of throwing off any engagement which it entered into by the treaty in question. Its own integrity is the best assurance that it will fulfil them all, as far as lies in its power; yet it is essential that it should justify itself to the Chambers, and to the nation; but I can assure you, that although there may be some delay in the acquittal of the sums mentioned in the treaty, yet that delay, which circumstances render unavoidable, will not be greater than necessity requires.

I send more at length, however, to our minister at Washington, these same explanations; he will lay them before your Government.

Your Government, sir, will appreciate duly the parliamentary considerations, and the constitutional principles on which they are founded, and I doubt not the affair will end by inspiring them with greater confidence in the rectitude of the King's Government.

Accept, sir, the assurances of my most distinguished consideration, &c.

V. BROGLIE.

Mr. Niles to the Duc de Broglie.

Paris, *March* 28, 1833.

The undersigned, charge d'affaires of the United States, feels it incumbent on him to represent to his Majesty's Government, that, in conformity to the stipulations of the second article of the treaty entered into between the United States and his Majesty the King of the French, on the 4th day of July, 1831, the ratifications whereof were duly exchanged at Washington on the 2d day of February, 1832, the Secretary of the United States Treasury, being duly empowered so to do by the American Government, did, on the second day of February last, execute and dispose of, to Samuel Jaudon, cashier of the Bank of the United States, or his assignee, a draft at sight on the Government of France for four millions eight hundred and fifty-six thousand six hundred and sixty-six francs and sixty-six centimes, being the amount of the first instalment due to the United States under the said article of the abovementioned treaty. The bearer of this draft, in whose favor it was negotiated, was also possessed of a full power from the President of the United States, authorizing him to receive the amount drawn for from his Majesty's minister, Secretary of State for the Department of Finance, to whom the said draft was addressed, and to give such acquittance for the amount of said draft, in behalf of the United States, as his Majesty's Government might require.

The undersigned had the honor, on the 21st instant, to notify his Majesty's minister, Secretary of State for the Department of Foreign Affairs, that a bill had been drawn by the Secretary of the United States Treasury, for the amount of the beforementioned instalment, in favor of Samuel Jaudon, cashier of the Bank of the United States, or order, and that the bill would, in the course of a few days thereafter, be presented for payment by the assignee of the said Jaudon, in France, together with a full power from the President of the United States, authorizing him to receive the amount of the draft, and to give the necessary acquittance.

It has come to the knowledge of the undersigned, that the said draft was presented to his Majesty's minister, Secretary of State for the Department of Finance, by the banking-house of Rothschild, Brothers, of this city, together with the full power before referred to of the President of the United States, on the 23d instant; and that his Majesty's minister, Secretary of State for the Department of Finance, did, on that day, refuse to pay the said draft, in consequence whereof the said bill was protested.

By this refusal of his Majesty's Government, the United States will be subjected to a legal claim for damages on the part of the owners of the bill; the amount of which will be determined by the laws of the State in which the person in whose favor the bill was drawn resides.

The United States Government, having scrupulously carried into execution all the provisions of the treaty beforementioned binding upon it, will see with unfeigned regret and surprise, in this refusal of his Majesty's Government to pay the first instalment due to the United States under the said treaty, a non-fulfilment of one of the fundamental stipulations of a convention, equally and unconditionally obligatory upon both of the contracting parties, and will consequently hold his Majesty's Government answerable for all the losses and injuries which it, or its citizens, may sustain consequent upon the refusal of his Majesty's Government to pay the draft in question.

The undersigned has the honor to state, for the information of his Majesty's Government, that the bill is now in the hands of the Messieurs Hottinguer, of this city, agents of Samuel Jaudon, and that the amount of expenses incurred thereon is as yet inconsiderable; and the undersigned cannot but indulge the hope that his Majesty's Government will avail itself of the very short time which will elapse before the bill must be returned to the United States, to take it up, and, by so doing, to preserve unimpaired the high respect and confidence entertained by the American Government and people for and in the honor and fidelity of the King's Government.

The undersigned, in addressing this note to his excellency the Duc de Broglie, has the honor to renew to him assurances of the highest and most distinguished consideration.

N. NILES,
Charge d'Affaires of the U. S.

A son excellence le Duc de Broglie,
Ministre Secretaire d'Etat au Department
des Affaires Etrangeres.

The French Minister of Foreign Affairs to Mr. Niles.

[translation.]

Paris, *April* 16, 1833.

Sir: I communicated to the Minister of Marine the wish you expressed to me that he would cause to be affixed to the list of American vessels destroyed by the French squadrons at sea, a certificate of its being complete, and worthy of entire faith and credit.

The Minister of Marine regrets that he is unable to comply with the whole of that request. He observes that he has, indeed, reason to suppose all of the reports relative to the destruction of American vessels by French squadrons to have been accurately addressed to the Marine Department; yet he cannot affirm, and officially attest, that unknown circumstances may not have prevented some of them from reaching their address. He can, therefore, only certify that the information contained in the list drawn up by his orders is conformable with the documents in his bureaux, and that the said list comprises all the vessels under American flags destroyed by the national vessels, errors and omissions excepted. If a certificate in these terms will suffice, and you will send me back the original list, the Minister of Marine will cause such certificate to be attached to it. You may have remarked, sir, in that list, that the four American vessels burnt at sea by Admiral L'Allemand's squadron, were made the subject of a special commission which was held at the time at Rochefort. Conceiving that the results of the labors of that commission might be useful to the United States Government, I requested official copies of them from the Minister of Marine, who has just sent them; and, having had them duly authenticated, I have the honor to transmit them to you.

Should your Government need any other information relative to American vessels destroyed at sea, the Minister of Marine conceives that the most natural, certain, and expeditious mode of obtaining it would be for the American commission charged with the settlement of the claims founded on the convention of July 4, 1831, to draw up an exact and circumstantial statement of all the claims preferred by the owners of vessels destroyed at sea; which, being communicated to the French Government, would be rectified in the bureaux of the Marine Department. This is very nearly the method adopted by many of the foreign Governments in the settlements made in pursuance of the conventions of 1814, 1815, and 1818; and it is also similar to that which the United States found to answer very well with respect to the claims admitted by the convention of 1803. Besides which, it seems to me completely to fulfil the intentions expressed in the sixth article of the convention of July 4, 1831. It may also be applied to all the other claims; and I hope you will direct the attention of your Government to this point: for I fear that our laws and regulations will not permit us to give to the sixth article an interpretation so extended as that required by Mr. Rives. I do not, however, pronounce any definitive opinion on the subject, as the King's Government wishes previously to know the results of the labors of a special commission of auditors of the Council of State, to which it has committed the collection and examination of all papers relative to American vessels to be found among the archives. I have reason to believe that this commission will soon terminate its labors.

I have the honor to be
Your most humble and obedient servant,
V. BROGLIE.

From Levett Harris, Esq. to the Duc de Broglie.

[TRANSLATION.]

Paris, *May* 26, 1833.

His excellency the Duc de Broglie has been pleased to invite the undersigned, chargé d'affaires of the United States of America, to submit to him such reflections as may appear important, relative to the treaty of July 4, 1831, between France and the United States.

The undersigned could not but perceive how difficult it was to fulfil the task imposed on him by this kind invitation, and to how much responsibility he would be subjected in so doing. He must, however, acknowledge that it is rendered comparatively easy, from the number of documents, and from the information already communicated to the French ministry by the several diplomatic agents of his Government, accredited to that of France, all of whom, for twenty years past, have shown equal ardor in proving that the justice which the present Government has rendered to them had been too long delayed. In order, as far as possible, to free the question from superfluous details, the undersigned will take the liberty to treat it at present in a general manner, and only with regard to those principles which have served as bases for the arrangement concluded between the two Governments. With this view, he will ask leave to go back to the first causes of difficulties and discord which have contributed to keep up the misunderstanding now so happily terminated. If in this sketch the undersigned should occasionally find it necessary to present the affair in its true light, and to enter into a detail of particular facts, his only object in so doing will be to give it that character of frankness, so necessary in such affairs, and which no doubt will be properly appreciated by his excellency the Duc de Broglie.

At the period in which the United States threw off the colonial yoke, and assumed that distinguished rank which belonged to them—a rank assuring to them the rights which their new position obliged them to support—the first Power whose friendship was ardently desired by them, from the existence of a strong sympathy, was France. It was, in fact, from her that they had obtained the generous assistance which enabled them to arrive so much earlier at these happy results, already prepared by the wisdom and firmness of their councils, and by the brilliant success of their arms. It was to France that a debt of gratitude was thus contracted, of which the Federal Government was so sensible that the Americans had, in a manner, incorporated it into the system of their future Government; it was for her that every heart beat with affection and devotion, from the remembrance of the noble co-operation of Louis XVI, and of the generous ardor which the French nation had demonstrated for the holy cause of independence.

From 1783, when peace was signed, to 1789, when the same principles began to assume consistency in France, the relations between the new republic and its magnanimous ally were of a character such as only to promise a future prosperity, and as important as desirable. They continued on the most intimate footing of amity until the moment when Louis XVI, having lost his life, the monarchical system was overthrown in France. While deploring the fate of the unfortunate monarch who had exhibited so much kindness and generosity towards America, the Federal Government did not forget the gratitude due to the country, and was the first to acknowledge the new French republic: the Government of the latter, on its part, as soon as sufficiently organized to be able to occupy itself about its foreign relations, hastened to send a minister plenipotentiary to the United States.

But in the midst of the wars which appeared about to promise to Europe a deplorable result from the events, and which threatened to invade the whole world, the President of the United States took the firm determination to prevent, as far as possible, the extension of their influence over our pacific country; he therefore published his proclamation of neutrality of 22d April, 1793, and enjoined upon all American citizens the strictest impartiality with regard to all the belligerent Powers: this decision of the chief of our Government received the unanimous approbation of Congress, and of the whole population. They rightly judged that, on the one hand, we were thus placed in a condition the most favorable for being useful to France, while, on the other, peace was preserved, of which the country had the utmost need in every point of view. It was, in fact, absolutely necessary to consolidate its institutions, to extend and establish the improvements which were already begun, and to repair the disorder in its finances; for this reason the authorities neither could nor ought to neglect any measures calculated to preserve the country from the irreparable evils of war, which would have had an influence powerful indeed, and, perhaps, sufficient to have crushed our republic in its infancy. There were, it is true, at this time, some hotheaded persons who conceived that we should have made common cause with the French republic, and have stood, with her, the chances of the appeal which she had made to the sovereignty of the people; but we are happy here to aver that the most sound and the best informed portion of the French nation acknowledged the justice of our views, and approved the proclamation of the President.

The horizon, however, became more and more obscure; the fatal, the senseless delirium of Jacobinism seized upon France, dishonoring and overthrowing its councils. Under its influence Citizen Genet was appointed minister plenipotentiary to the United States. Without respect for the sacred character with which he was invested, without regard for the authorities of the country in which he had been appointed to reside, his first acts were marked with violence and outrage. Instead of immediately proceeding to the seat of Government to present his letters of credence, on landing at Charleston he began by advising the peaceable inhabitants to fit out naval expeditions in favor of France, and directed them himself, by delivering commissions to that effect to all who wished to enlist, and encouraged others to disobey the laws and the constituted authorities. On his arrival at the capital, he endeavored to pursue the same system, publicly blaming the President's proclamation; he appealed from it to the people, and proved himself, in all points, the worthy and faithful agent of

Danton, Robespierre, and Marat. Feeling a just indignation at this conduct, which affected the respect due to the sovereignty of his acts, as well as the sentiments of kindness which he entertained towards France, the President demanded the recall of that minister. In his message to Congress of December 5, 1793, he could not resist expressing his profound regret at the proceedings adopted by the person thus unfortunately selected to represent France, "which breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in a war abroad, and discord and anarchy at home."

The men by whom Citizen Genet had been appointed having died on the scaffold, he was recalled in the manner which he deserved. His successor was Citizen Fauchet, a man less violent in his acts, but from the same school, and possessed of the same spirit of violence which seemed to excite his whole party. After remaining a year, he was replaced by Citizen Adet.

To the manner in which the different missions were fulfilled is to be attributed the gradual and remarkable change in the sentiments of the Americans towards France, of which the latter has since, at times, complained: coolness took the place of good-will and friendship; the commercial relations which had been until then kept up with marked partiality, began to take a different direction. On our side, firm in our desire to cultivate and extend our political and commercial relations with France, we only wished to shut our eyes on the violence of its agents; but, tired of seeing them arrive, each with instructions different, and almost always contradictory, Washington, who was still at the head of affairs, judged it necessary to address their chief directly, and resolved to accredit to them, in the summer of 1794, one of our most esteemed citizens. He was well received, and the address made to him by Merlin de Douay is remarkable: "The French republic," said he, "acknowledges that, in taking arms, in order to second your courageous efforts in cementing your independence with the blood of its warriors, the French people learned to break the sceptre of tyranny." But, alas! how deceiving were these expressions of sympathy; how soon they were disproved by bad deeds! Here begins this long series of unjust proceedings of which we have now to complain.

Mr. Monroe (the minister sent in 1794) received, on arriving, complaints from many of his countrymen; they called on him for his assistance in putting an end to annoyances of the most serious character; they demanded satisfaction for the most flagrant injuries. Captures made in open violations of treaties, seizures illegally executed in the ports, our citizens cast into prison without cause: such were the acts which were followed, throughout France, by scenes of violence and spoliation, of which our unhappy countrymen were the victims. (See note A, at the end.)

In vain did Mr. Monroe endeavor to call the attention of the Committee of Public Safety to these violations of the 23d and 24th articles of the treaty of commerce and amity between the two countries. The 23d article provided that the flag should cover the property, unless it should consist of objects enumerated as contraband of war in article 24.

These abuses, however, continued; and not only were our vessels captured and brought into French ports when laden with neutral goods, but, also, those which carried the well-ascertained productions of our soil. Our shippers were thus entirely ruined, and the prisons were filled with our seamen and fellow-citizens. To such a point was this arbitrary system carried, that every American vessel, on arriving in a French port, was obliged to submit his goods to a valuation, and deliver them to the agent of the Government, who had a monopoly in all commercial affairs, at what was termed a maximum price. After two years of disgust and vexation, Mr. Monroe was recalled.

His successor, Mr. Pinckney, arrived in December, 1796; but in the beginning of this month Mr. Delacroix had given notice to Mr. Monroe that the Directory would refuse to receive or acknowledge any American minister until reparation had been made for the injuries committed by the United States. And what were these injuries? Just cause of complaint was supposed to have been given by a treaty which we had made with Great Britain, which, on its part, complained of our system of neutrality, on the principle that it was essentially favorable to the interests of its enemies. We had, it is true, negotiated with respect to some objects which appeared to have been the fruits of the late events, but which were in a great measure only the consequence of the war of our Revolution; and let us not forget that this treaty was not ratified until it had been communicated to the minister of France in the United States. Could a more evident mark of good faith and confidence have been offered? But the treaty was merely a pretext advanced, in order to justify, in some way, the system of spoliation which was the basis of the proceedings of the Government then existing.

The undersigned does not consider it necessary to remind his excellency the Duc de Broglie of the scandalous proceedings which occurred in Paris during the following year, 1797. The President having sent three ministers plenipotentiary, those who pretended to possess the confidence of the Directory made their reception the subject of a secret and odious intrigue, and had the assurance to demand a price for their recognition. We are far from wishing again to bring to light these shameful acts, which we would be the first to cover with an eternal veil, if it were not our duty to prove that the excess of our moderation was, perhaps, the cause of the facility with which acts of violence were afterwards committed against us.

The 18th of Brumaire placed Bonaparte at the head of the Government. Educated in camps, he sought no other glory than that of conquests. His great object, and that which had been the aim of all the Governments of France from the commencement of the Revolution, was the overthrow of England. This was his fixed idea, to which he sacrificed without remorse all political considerations, all the laws of nations. Great Britain on its part did not neglect to retaliate by every means, and was often in advance in the arbitrary career. The two Powers proclaimed a system of blockade. To the orders in council of the one, the other replied by decrees dated from the theatre of his conquests. The rights of neutrals were denied and despised; and as the Americans held a distinguished rank among these, it was principally against them that these unjustifiable measures were directed.

Vessels and goods were captured, seized, and confiscated, to the value of more than seventy millions of francs, which went into the chests of the Emperor; these acts of violence, at first confined to the ports of France, were afterwards extended to those of every country over which her iron sceptre was stretched. Shortly after, every thing was pillaged and burnt, without mercy, in the open sea.

After useless efforts to arrest these disorders, the Federal Government considered it due to its own dignity to prove that its moderation only proceeded from a sincere desire to continue amicable relations with its ancient ally; however, it wished, before appealing to force, to make one more attempt, and it solemnly called upon the belligerent Powers to declare their intentions openly. The result was, that France repealed her decrees, and that we declared war against England in 1812.

But the repeal of the decrees was not sufficient for us; we required just compensation for the immense losses which we had experienced: our claims were never abandoned; they were renewed at different times with various prospects of success. At length, in 1812, the Emperor opened his eyes, and the first sign of his repentance was an order to his ministers to give favorable attention to the complaints of the American envoys.

On the 25th December, Mr. Barlow wrote thus to his Government: "The great question of indemnification is now under discussion, and appears under more favorable auspices than we had reason to expect; there will be no difficulty about the treaty, when we have once agreed upon the mode of indemnification."

In October, a treaty of commerce and a general plan of indemnification were sent to Moscow, for the Emperor's approval, and no doubt was entertained that he would sign it. On the 25th of October, Mr. Barlow again wrote thus: "By the letters from the Duke of Bassano, and my answer, copies of which are herewith enclosed, you will learn that I am invited to go to Wilna, and that I have accepted the invitation. Though the proposal was totally unexpected, and on many accounts disagreeable, it was impossible to refuse it without giving offence, or at least risking a postponement of a negotiation which, I have reason to believe, is now in a fair way to a speedy and advantageous close." And on the 23d of November, "the negotiations which brought me here will be probably concluded in a few days. The Duc de Bassano expects, by one of his first couriers, the order of the Emperor to terminate the affair of the indemnification and the treaty of commerce."

The retreat from Russia, and the death of Mr. Barlow, prevented the realization of these hopes, apparently so well founded. His successor, Mr. Crawford, addressed the Duc de Vicenza again in 1815; and it may perhaps be remarked here, that, although we were then at war with Great Britain, his instructions were peremptory to refuse to enter into negotiations on any other subject until the claims had been admitted.

Mr. Gallatin, on the 9th November, 1816, sent to the Duc de Richelieu a general history of the acts of injustice committed against us, and demanded indemnification. The Duke was a man too honorable not to acknowledge that our claims were founded on right, and to desire to do justice to them. But he was prevented by the immense number of claims brought against France by the European Powers, and by the impossibility that its Government should meet the engagements imposed by the army of occupation. France was in a state of sad embarrassment, which its most constant and faithful friends did not wish to increase. By a tacit consent, we adjourned our claims until order had been restored to its finances. The treaties of the following spring (1818) were communicated to the Chambers. They delivered France from all debts to "European Powers." The word "European" was here employed, as agreed upon with Mr. Gallatin, in order to take away every idea which could in the slightest manner prejudice the rights of the Americans.

Negotiations were afterwards resumed, and pursued during the four last years of Mr. Gallatin's mission, (1819, 1820, 1821, and 1822,) with the successive Ministers of Foreign Affairs. In September, 1822, M. de Villele wished to put an end to the business, and asked Mr. Gallatin if he was authorized to treat on all the subjects on which the two countries did not agree; among others, that of the Louisiana treaty.

Mr. Gallatin replied that he was ready to discuss the two subjects separately, but not to make one question of them, as that respecting Louisiana had been transferred to Washington. M. de Villele insisted, and Mr. Gallatin was obliged to write for new instructions.

Mr. Brown, from 1824, merely followed the line which his predecessors had traced; but the ministry continued in its determination to make but one question of the two subjects, although they were perfectly distinct. Baron de Damas even wished to transport it to a new ground. He pretended that the claims of the Americans arose, in some degree, from accidents inseparable from war; and that Louis XVIII, on returning to the throne of his fathers, could not engage to pay for the violences committed by a usurping Government. It is unnecessary to say that this reasoning was refuted with skill by our minister plenipotentiary.

In the year 1828, Count de Ferronayes was Minister of Foreign Affairs. Several conferences were held, and the question was debated in full council. The Count wished to have the claims immediately examined, but the council desired that they should be deferred until after the adjournment of the Chambers.

M. de la Ferronayes told the American minister that the council was not inclined to pay for the errors of the usurping Government; he acknowledged that the neutrality of the United States, and their constant appeal to reason and justice, spoke loudly in their favor.

The year 1829 was remarkable by the elevation of General Jackson to the Presidency of the United States. * * * One of his first acts was an order to Mr. Rives, in October, 1829, to address a new demand to M. de Polignac. This minister took still a different view of the question, and pretended that the European Powers had received no compensation except on account of obligations made by contract. Our only reply was to repeat the terms of the treaty, word for word.

After several consultations, Mr. Rives communicated the *projet* of a convention for the definitive arrangement of the claims of both parties. The Louisiana treaty was an obstacle to its conclusion, and in February, 1830, Mr. Rives communicated another *projet*, in which the claims were divided under different heads, (categories.) In the month of May he offered a reduction of the duties on wines as a compensation for the claims on account of the Louisiana treaty. Although the events of July occurred, and giving to France a Government founded on good faith and honor, the principle of responsibility was readily and frankly admitted. The only difficulty arose as to the mode of indemnification, as it was a question of finance, and consequently subject to the decision of the two Chambers. Count Mole gave his opinion in council that a commission should be named, of members from those bodies, to whom this important affair should be committed. This was proposed on the 14th of October, in a report to the King, and instantly approved. The commission was named, and in April, 1831, presented to Count Sebastiani the result of its labors. Mr. Rives consented to its wish that a round sum should be agreed upon, and he received, on the 26th of April, an offer of fifteen millions, which was instantly rejected, as entirely out of proportion to our losses. On the 27th M. Casimir Perrier told Mr. Rives that in a few days a new offer would be made him, and on the 29th he received one for twenty millions. He instantly demonstrated most clearly that the claims, instead of being placed too high, (*exagerées,*) were, on the contrary, brought down as low as possible, (see note B, at the end,) and twenty-four millions were then offered. After numerous conferences, twenty-five millions were agreed on, payable by instalments, with interest at 4 per cent. until the whole was discharged. A new *projet* of a treaty was then made, setting forth that the United States were contented with this sum, and were liberated from every claim relative to the Louisiana treaty. The Federal Government, on its part, granted fifteen hundred thousand francs for the claims of French subjects; and, as compensation for the abandonment by France of her pretensions on account of the Louisiana treaty, a reduction of the duties on her wines was allowed for ten years, she engaging to make a reduction of those on the highest quality of cottons. On these bases the treaty was drawn up, concluded, and signed, on the 4th July, 1831.

We may now notice the great advantages accruing to France from this treaty. She thus, with twenty-five millions, pays a debt amounting to more than three times as much, leaving aside the interest, which would have more than doubled the capital; a debt for what was really received into her coffers, as it appears indubitable that ten millions have been *bona fide* paid into the Imperial Treasury; and of this sum, comparatively so small, it is more than probable that at least one-half will have been repaid to her by the reduction in the duties on her wines, without taking into consideration the immense advantage which her agriculture and commerce will receive from the increase in their consumption, as well as the fact that fifteen hundred thousand francs are returned claims of her citizens, many of which are very doubtful. But we go further, and pretend that, even though our claims should have been also doubtful; though they should not have been acknowledged by the principal author of these acts of injustice, and by all the ministers in succession for twenty years; though they should not have been as clear as day, it would have been of the utmost importance for the French Government to remove this obstacle to the free and cordial interchange of relations between itself and the Federal Government. These relations are of the highest interest, more interesting, perhaps, than those with other countries; for the undersigned is prepared to prove, by reports worthy of all credit, that the commerce of the United States with France amounts annually to one hundred and fifty millions of francs, one-third of which is paid in specie; an immense balance of trade in your favor; twenty-six millions annually sent for your manufactures, particularly for those of Lyons. And is it not probable that this commerce will be doubled in less than twenty years? • • • We have few manufactories, and, therefore, we neither can, nor wish, like other Powers, to enter into competition with France. We confine ourselves to carrying the productions of its industry to all parts of the world.

Is it not, then, we repeat, of the utmost importance for her to cultivate this preference which we are induced to give to her commerce by an old and constant friendship and remembrance of benefits? Is proof wanting of the good will towards her which appears in all our actions wherever she is concerned? We are happy to be able to adduce the late acts of Congress. Scarcely had the treaty with which we are now occupied been submitted to it by the President, than, although far from satisfied with it, it was accepted, in order that there should be no further subject of discussion or of jealousy, unworthy a great nation. At the moment of its acceptance, Congress ordered a diminution in the duties on wines, which the French merchants had indeed already enjoyed. Although the treaty had not yet received the approval of their Chambers, almost at the same time other reductions were made in the general tariff, which were very advantageous to French goods.

The undersigned fears that he would seem to be actuated only by the interests of his country, if he here expressed his opinion with respect to the honorable measure which the Government of the King of the French has just taken; however, he cannot abstain from adding that this conduct most gloriously contrasts with that of former Governments, and that it has produced a most happy effect in the whole world, by convincing all nations of the good faith which distinguishes its councils; this good faith restores confidence, and France will undoubtedly receive great advantages from it.

The undersigned feels that he has now arrived at the end prescribed for himself, not only by his duty, but also by the obliging desire personally expressed by his excellency the Duc de Broglie, whose sentiments he is happy to perceive perfectly coincide with those of his predecessors, who have unanimously taken such elevated views of this important question.

The undersigned embraces this opportunity to renew to his Excellency the Duc de Broglie the assurances of his high consideration.

L. HARRIS.

Note A.

The principal causes of complaint were—

1. The spoliation and bad treatment of American vessels in the open sea by the French ships of war and privateers.
2. A long and painful embargo on the vessels at Bordeaux: 103 were thus detained.
3. The protest of bills drawn in payment for provisions furnished to the French colonies.
4. The seizure and forced sale of cargoes; and the employment of them for the public service, without payment.
5. The violation of contracts for provisions made by agents of the Government.
6. The condemnation of vessels and cargoes in virtue of marine orders, and in violation of treaties.
7. Captures by virtue of the decree of the National Convention of May 9, 1793, in violation of the treaty of amity and commerce.

Note B.

According to statements made at the Department of State at Washington, and communicated with Mr. Rives's instructions, it is clear that the claims amount to 64,254,192 francs; and, according to manuscript statements, compiled in 1830 from official materials, they amount to 14,500,000 dollars, or 77,333,333 francs, 33 centimes.

Translation of a letter from Mr. Levett Harris.

Paris, *July* 1, 1833.

The undersigned, charge d'affaires of the United States of America, cannot excuse himself from the performance of a duty imposed upon him by the delay of the French Government to fulfil the engagements contracted in the treaty of July 4, 1831, the ratifications of which were exchanged at Washington on the 4th of February following.

On entering two months ago upon the office confided to him by his Government, the undersigned was happy in having to transmit to it merely the assurances of the ardent desire of the French ministry not only to keep up those amicable relations which already existed between the two countries, but also to augment them by every means in its power. He received, in return, the pleasing directions to express the sincerity with which the same desire had long been entertained by the Federal Government. Allusion was indeed made to the delay which had occurred in the preparations by France for the first payment due by the terms of the treaty; but it was accompanied by a formal assurance of a prompt arrangement, that the undersigned considered it proper to do nothing more than represent the evils which might be occasioned by a longer delay, and to hope that the matter would be settled as speedily as possible.

Not a week has since elapsed in which the undersigned has not had the honor of seeing his excellency the Duc de Broglie once or twice; and his chief, nay, almost his only care has been to remind him of this important affair. His excellency on these occasions was pleased to repeat his conviction that it was the intention of the minister to demand the necessary funds from the Chambers.

It was, however, with great regret and apprehension that the undersigned witnessed the conclusion of the session which had begun on the 19th of November, without their having been obtained. In consequence of this, he returned to make further representations, and to renew his solicitations at the opening of the session on the 25th of April. He was then assured that there was some opposition in the Chambers with regard to the treaty, but that great hope was entertained of its being surmounted.

The undersigned, therefore, employed himself on the one hand, agreeably to the invitation that he would do so, in visiting the most influential members, and setting the principles of the treaty before them in their true light, so as to make them comprehend the whole importance of the question; and, on the other, in transmitting to the Cabinet at Washington an account of all that took place here, as well as the promises and assurances given him by the French ministry. As the new session advanced, the undersigned was indefatigable in his representations to his excellency the Duc de Broglie, and in his entreaties that he would not allow the session to expire without obtaining the necessary appropriation from the Chambers.

He could not, at the same time, withhold the expression of his regret that it had not been already done in season. It should, however, have been done, for the French Government was not ignorant that the period for the first payment had arrived, and that this payment had been demanded by a person furnished with powers to that effect by the President of the United States.

The undersigned is obliged here to take the liberty of observing that his Government had the greater reason to count upon the exactness of France in this circumstance, as it had on its own part acted with the best intentions in not demanding payment until the 23d of March, whilst it might have done so on the 4th of February, as well as in its previous conduct.

In fact, what sacrifices has it not made? A treaty is offered by which it is to receive but a small portion of what has been notoriously taken by violence from its citizens; nevertheless, it does not hesitate to accept it, nor to make laws by which its execution is commenced, so anxious is it to say "every subject of complaint and recrimination is forgotten, and we only look back to the days in which we were intimately allied, and engaged in a common cause; let us resume as soon as possible our old and sincere relations, let us establish the basis of a friendship as solid as reciprocally useful.' 'What, then, will be the disappointment of the Government of the United States? What will be its regrets? The undersigned sincerely hopes that they will not be of such a nature as to endanger the relations of mutual good will, or that confidence which has just again arisen, and which only asks for leave to extend itself. He has, therefore, experienced some relief in learning that the French Government had specially charged its representative at Washington to explain the cause of this momentary delay, and to repeat the assurances here so often given to the undersigned, who hastened to transmit them.

Under all circumstances, the undersigned has to fulfil the imperious duty of proving to his Government that he has done all in his power to avert every painful consequence; and, whatever may happen, he will be supported by the conscientious conviction that he has spared neither trouble nor precautions in preserving, on the most intimate footing, those amicable sentiments which he so ardently desires to see prevailing between the countries.

The undersigned has the honor, on this occasion, to renew to his excellency the Duc de Broglie, Minister of Foreign Affairs, the assurance of his high consideration.

L. HARRIS.

To the Duc de Broglie,
Minister of Foreign Affairs of France.

Translation of a letter from the Duc de Broglie.

Paris, *July* —, 1833.

The undersigned minister, Secretary of State for the Department of Foreign Affairs, has received the note with which the charge d'affaires of the United States honored him on the subject of the delay hitherto experienced in France with regard to the execution of the convention of July 4, 1831. Before replying to the contents of that note, the undersigned cannot withhold the expression of one observation respecting the proceeding of Mr. Harris. It is, indeed, difficult for him to comprehend the object of such a communication, after the categorical and frank explanations which he has already made to the charge d'affaires of the United States; when Mr. Harris knows, too, since he declares it in his note, that the King's minister at Washington has been charged to transmit to the Federal Government information as to the state of things which is most likely to reassure it. If Mr. Harris has been only guided by a sense of personal responsibility, the undersigned has no objections to offer; but he is not the less convinced that, by his preceding declarations, he has done all that should have been required to enlighten the charge d'affaires of the United States, and to enable him to fix the opinion of his Government on the real situation of the case.

Mr. Harris, in mentioning the assurances which the undersigned had on several occasions thought proper to express to him, relative to the intention of the King's Government to demand from the Chambers the appropriation of the funds necessary for carrying into effect the convention of 1831, appears to perceive some contradictions between those assurances and the result, the first session having passed without the necessary funds being obtained. But it is necessary only to examine into the facts and circumstances to be convinced that the King's Government has faithfully and conscientiously fulfilled its promises, or to refer to the principles of the constitutional system to see that no reproach can be justly addressed to it.

Thus, his Majesty's Government, in demanding from the Chamber of Deputies, during the first session, the appropriation indispensable for discharging the engagements of the treaty, proceeded agreeably to rule; but it evidently did not depend upon the Government to have such appropriations voted in that session; and certainly it is not to Mr. Harris that the undersigned could think himself obliged to urge such a consideration.

As to the session which began on the 25th of April, its shortness is sufficient alone to explain how the vote which was requested in the preceding one should have been again deferred; and upon this point, likewise, the King's Government is fully authorized to consider itself clear of all imputation.

No doubt, as Mr. Harris observes, the Cabinet at Washington had a right to rely upon the exact fulfilment of the engagements subscribed in the name of France; and it is to be hoped that on this its confidence has not been diminished; but it is too enlightened, and understands too well the duties imposed by representative institutions, as well as by the parliamentary system, not to have judged that the King's Government would necessarily have, above all things, to preserve the proper line of conduct (*se mettre en règle*) with respect to the Chambers. In fact, whilst the charter recognises in the King the right of concluding and ratifying treaties, it at the same time renders the sanction of the legislative body indispensable for the execution of those of their stipulations, the examination of which is among their special attributes. The King's Government, therefore, which, in the affair in question, is conscious of having entirely reconciled what is prescribed for it by the laws of the country, with the faith due to engagements contracted, and the prudence required to ensure their fulfilment, could not but experience great regret at the incident which lately occurred on the presentation, at least premature, of the bills drawn by the Bank of the United States on the Treasury of France.

The undersigned is happy to agree with Mr. Harris in acknowledging the amicable and conciliatory disposition shown by the Federal Government in the negotiation which preceded the convention of July 4, 1831; he will not stop to oppose the assertions that this treaty does not satisfy all the just and well-founded claims presented in behalf of the American commerce; it would be too easy for him to demonstrate that no compromise could have been made on bases more broadly equitable; and that if the treaty of 1831 has imposed sacrifices on either of the contracting parties, a doubt may be permitted that it is on the United States. The French Government has viewed this arrangement as, above all, offering the precious advantage of removing from the relations established between the two countries a disagreeable subject of discussion; it seized the opportunity with an eagerness equal to the sentiments of friendship which it entertains towards the United States; and far from supposing, as Mr. Harris appears to consider, that a delay which it had no power to prevent, and which it was the first to regret, could produce any change in their mutual relations.

The undersigned doubts not that the Federal Government, when well informed as to the actual state of things, will, with that wisdom which distinguishes it, properly appreciate the loyal explanations which the King's minister at Washington is charged to present, and rely with confidence on the rectitude of the intentions of his Majesty's Government.

The undersigned has the honor to renew to the charge d'affaires of the United States the assurance of his most distinguished consideration. DE BROGLIE.

To Levett Harris, Esq.,

Charge d'Affaires of the United States of America.

Mr. Livingston to the Duc de Broglie.

Legation of the United States,

Paris, October 5, 1833.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, having informed his excellency the Duc de Broglie, Minister for Foreign Affairs, in a late conference, that he was specially instructed to ask from the Government of his Majesty the King of the French, certain official explanations in relation to the convention concluded on the 4th of July, 1831, and to demand the fullest execution thereof, now proceeds to perform that duty, to the end that the reasons assigned in that conference, and the assurances that were then given, may be submitted to the President in time for such communications as he may deem it proper to make on the subject to Congress at the opening of the next session.

The time that had elapsed between the date of the instructions given to the undersigned, and the time of entering on the exercise of his functions here, had led him to hope that this duty would have been rendered unnecessary by some intermediate official communication, made by his Majesty's Government, either to Mr. Harris here, or to the Government of the United States, by his Majesty's minister at Washington. But the note of M. Serurier to the Secretary of State of the United States, and that of his excellency the Minister of Foreign Affairs to Mr. Harris, of the 7th of July last, are the only written communications from his Majesty's Government of which the undersigned has any knowledge, and neither of these contains the explanation which he is instructed to ask.

The verbal assurance which his Majesty was pleased to give to the undersigned when he had the honor of being presented to him, and those which he received in the conference before alluded to from the Minister of Foreign Affairs, can leave no doubt of the desire his Majesty has faithfully to perform the stipulations entered into with the United States. But while full justice is done to the intentions of the Executive Government of France, and to its desire to remove all objections to the faithful performance of the stipulations contained in the treaty, certain allusions to a supposed precipitancy in the time of making the demand of the payment, objections to the form in which it was done, and more especially the inference to be drawn from both communications, that the United States have no right to call for the payment until the legislative branch shall have examined and approved the treaty; all these call for particular observation. Thus, in the note to Mr. Harris, of the 7th of July, the Duc de Broglie says that the Government of his Majesty could not but feel the greatest regret at the incident lately produced by the presentation, at least prematurely, of bills of exchange drawn by the Bank of the United States on the Treasury of France; and this is introduced by the observation that, if the Chamber acknowledges the right of the King to conclude and ratify treaties, it made, at the same time, such of their stipulations as specially came within the attributions of the Chambers, depend on the sanction of the legislative power; and M. Serurier, speaking of the means adopted by the United States in demanding the payment by a bill of exchange, says "that the Government of the King has seen it with astonishment and regret." So far as this surprise was occasioned by the mode or the time of making the demand, it will be easy to show that neither ought to have occasioned the slightest degree of astonishment. Regret, indeed, was naturally to be felt, not because the demand was prematurely made, but because his Majesty's Government was placed in a situation, which must have been mortifying to their honorable feelings, of being unable to fulfil, with punctuality, the engagements they had made.

The treaty stipulated for the payment, by France, of a certain sum, on a certain day, at Paris. The only direction as to the mode of demanding and making the payment is, that the amount shall be paid to such person as shall be authorized by the American Government to receive it. All that the Government of France could require, all that it was interested in knowing, was that the person making the demand had the authority to receive. The American Government was at liberty to choose the mode most convenient to itself. It did select one convenient for its purposes, and not unusual, not disrespectful to France, as has been fully shown in Mr. McLane's answer to M. Serurier's note, to which the undersigned refers as a conclusive argument on the subject. The bill was not drawn, as is erroneously supposed, by the Bank of the United States, but in favor of the Bank; and, to comply literally with the stipulation of the convention, a special power to receive, executed by the President, under the seal of State, accompanied the bill. As to the time of making the demand, if any obligation to make the payment is acknowledged, there can be no doubt that there was nothing premature, as is supposed, in making the demand at the time it was made. Used to a strict punctuality in fulfilling all its engagements with other nations, the United States relied on the same punctuality in others towards them.

Having exchanged the mutual pledges of faith with France, in the form accustomed between nations, for the performance of the conditions agreed on by them respectively, they quietly and instantly went to work in the performance of their part. All the necessary laws were passed within a few days after the exchange of ratifications. They could not suppose that any branch of the Government which had incurred the obligation of the treaty would hesitate to make the necessary appropriation for the redeeming the faith which had been thus solemnly pledged. They did not anticipate, it would have seemed disrespectful to anticipate, any such result. Not acknowledging a rule of public law which exonerates nations from the same obligation to perform their engagements that binds individuals, they did not doubt that, on the day appointed, the sum stipulated would be ready to be paid to their order; and, after waiting beyond the time agreed on for the payment, the demand was made. Unfortunately, the Executive Government of his Majesty had not been enabled to meet it; and if the incident, as it is termed, gives cause for surprise to either party, the undersigned leaves it to the known candor of the Duc de Broglie to decide which of them had most reason to indulge that feeling: the Government of his Majesty, which must have been prepared for the demand by a sense of the obligation they were under to comply with it, or the United States, who had performed their engagements, and had no reason to doubt as punctual a performance on the part of France. It is surely unnecessary to add that the time stipulated for fulfilling an obligation is as essential as any clause it may contain.

The United States, then, feel themselves entirely exempt from any charge of precipitancy, or of showing any want of attention to established usages in the mode of demanding the payment of sums acknowledged to be due to their citizens; still less can they submit to the reproach of having demanded that indemnity before it was due; and the undersigned feels confident that the enlightened Government of his Majesty will, on reflection, do justice to their motives and conduct on this occasion.

The remaining branch of this discussion is one that the undersigned enters upon with reluctance, because it involves a question of the constitutional power of the several branches of the Government of France, to which he would not think himself authorized to allude, if he could in any other manner support the great interests that are confided to him, and if the communications made by his Majesty's Government, both verbally and in writing, had not given, as a cause for the delay, the attributions of the legislative branch of the Government, and drawn from them the inference of a right in that department to withhold the appropriation necessary for enabling the Executive to comply with the treaty. One of these communications goes further, and seems to consider the alleged right in the legislative branch to annul all treaties requiring an appropriation, as incident to all representative Governments; for the Duc de Broglie, in his letter to Mr. Harris, after acknowledging fully the right which the United States had to rely on the exact performance of the engagements made on the part of France, says: "mais si le Cabinet de Washington est trop eclairé, il a trop haute intelligence des devoirs qu'imposent les institutions representatives et le régime parlementaire pour n'avoir pas jugé q'avant tout le Gouvernement du Roi avoit necessairement à se mettre en regle vis-àvis des Chambres. En effet, si la charte reconnoit au Roi le droit de conclure et de ratifier les traités, elle fait dependre, en même temps, de la sanction du pouvoir legislatif l'execution de lettres de leurs stipulations, dont l'examen rentre specialement dans ses attributions," &c.

This appeal to the knowledge the United States have of representative Governments also renders the discussion unavoidable, and the undersigned undertakes it with the fullest confidence of showing that the right obtained is one not incident to representative Governments in general, and that it cannot be exercised by that of France in the present instance, without putting at hazard that which the undersigned is convinced every part of the French Government must consider as the most precious trust confided to them—the preservation of the public faith. The position assumed seems to be this: that, in all representative Governments where the power of making treaties is given to the Executive, and where no tax can be laid but by the consent of the Legislature, this latter power has the right to examine any treaty requiring an appropriation, to judge of its stipulations, and, if they are not approved, to refuse the appropriations necessary to carry it into effect; and, as applicable to the present case, that the Chamber of Deputies have the constitutional right to consider the terms of the convention concluded with the United States, and if they judge it to be a bad one, that they may, without incurring any reproach of bad faith, exonerate the nation from its obligations; and, as a corollary from this, that should they do so, the United States have no reason to complain.

It is not denied that the King has the constitutional right to make and ratify treaties. This being conceded, the inquiry is, what effect has the exercise of this right in deciding the question? There can be but little difficulty. A treaty made and ratified by the constitutional power pledges the faith of the nation to the performance of its conditions. It gives a perfect right to the nation with whom the contract is made to demand its execution. It is binding not only on the department which made the engagement, but on the nation. The nation may, in forming its constitution, vest this power in such hands as it thinks proper. It may give the right to make treaties to one branch, and to ratify them, as the United States have done, to another, and it may vest both powers, as the French have done, in the same department. But, as the nation is bound by the ratification, other Powers, when they treat, confine themselves for the perfection of their contracts to the ratifying Power. In treating with the United States, foreign powers know that the assent of the Senate is required to give validity to their compacts. In treating with France, it is equally known that the ratification of the King alone is required. But in both cases it is equally well understood that, the assent once obtained, the contract is complete; they cannot look further. It would be an indecorous doubt if they required the expression of the Legislature to comply with an engagement formed by the branch of Government constitutionally vested with the power. The error, it appears, lies in not distinguishing between the powers of the legislative body, and their constitutional rights. The charter, it is acknowledged, gives to the King the right to make and ratify treaties; that is to say, he has the right to pledge the faith of the nation to do a particular act. If so, then, in doing it, he gives a right to the party with whom the pact is formed to demand its execution. If this right be perfect, and binding on the whole nation, then it creates a moral obligation in every branch of its Government to carry it into effect. No part of that Government has a right to oppose it, for this would suppose the inadmissible position of two coexisting and conflicting rights. But the legislative branch alone can grant the supplies. True; but that impairs neither the right nor the obligation. Every State, every individual, has the power to refuse a compliance with engagements. The vesting of this power in a particular branch of Government creates no difference in this case. If all the powers of government were vested in a monarch, he would have the same and no other power of breaking an engagement he himself had formed, that a representative branch has, who are to grant the supplies necessary for the execution of a treaty legally formed by the Executive. But whether either of them has the right, is the question. It may be illustrated by supposing the case of an individual giving a full power to another to make the settlement of an account by compromise, and to bind him for the payment of the balance that may be due. The agent, in good faith, performs the trust, and the compromise is made on the principle of mutual concession. The party has the power to refuse a compliance with the engagement made by his attorney, but no one would argue the right, more especially if he suffered the adverse party to perform his part of the compromise without giving notice of his intention to break his engagement. In the case under consideration the nation is the principal, the Executive Government the agent, and the convention the compromise. In the one case, the municipal laws would enforce the performance of the contract; in the other, it must be left to the moral obligations, binding on nations as well as individuals. But because the legislative branch has the right of granting or withholding the supplies necessary for the execution of the treaty, it is argued that they must judge of its merits before they can act understandingly on the subject; and that, until they have decided, the Power with whom it is made has no right to complain of its non-execution. If this argument applied to delay only, the answer would be simply this: The power incurring the obligation is the only judge of the delay necessary for procuring the means of execution, and, therefore, ought to take care in forming the engagement to provide that the proper time should be inserted.

In our case, the term of one year from the exchange of ratifications was deemed sufficient by the Government of France. The stipulation was positive to pay in that time, and any further delay must be considered as a departure from this stipulation. But it is apprehended that the argument goes further. It asserts the right not only of a reasonable delay for the purpose of executing, but also of ultimately rejecting the treaty, should they disapprove of its terms. If this be true, it must be at once seen that the ratifying power resides not, according to the letter and the theory of the French constitution, in the King, but in the Chambers, and in every case where an appropriation is necessary; and this construction once adopted, no nation will carry into effect such a treaty on its part, or rely on its execution on the part of France, until it has undergone two ratifications—one by the King, the other by the Chambers. But until this construction be adopted, and made known to foreign nations, they would all have a right to consider the faith of the whole nation, and of all the branches of its Government, as pledged for the execution of a treaty duly made and ratified by the King. And, above all, the United States would have reason to complain that, before any notice was given to them of this new principle, they had been permitted to entertain the common error, that the stipulations they had made were binding on them as well as on France, and that they had been suffered, under this idea, to go and execute, on their part, a compact by which the other party did not conceive itself bound.

In this view of the subject, the right only is contested; the power is not denied, and, in an extreme case, it may be admitted that it ought to be exercised. The means of executing a ruinous treaty, exhausting the revenues of the nation, without an equivalent, might properly be withheld, not in the exercise of any right to ratify or refuse to confirm it, but because such a treaty might be considered as void in itself, for imposition, or want of consideration. It is the same exercise of power that would be justifiable in cases that might be supposed, of refusing supplies for the support of officers who had been previously appointed. Public faith would be broken in both instances, but the extremity of the case could alone justify it.

Supported by these reasons, the undersigned is directed explicitly to make known to the Government of his Majesty that the United States consider the faith of the Government of France as irrevocably pledged for the performance of the stipulations contained in the convention of the 4th July, 1831; that they acknowledge no right in any branch of that Government to destroy this pledge, and that they expect not only a speedy performance of those engagements, but also interest on the payment withheld, and a complete indemnity for all such damages as may accrue in consequence of the refusal to pay the instalment of the debt which has already become due. Full reliance is placed on the endeavors of his Majesty's Government to remove all cause of complaint which the delays in providing for the payment of the individual claims, secured by the treaty, has produced; and thus paving the way for an extension of commerce, and a permanence of good feeling, between the two nations, so eminently interested to cultivate the best understanding with each other.

His excellency the Minister for Foreign Affairs will observe that, in this communication, no allusion is made to the merit of the claims secured by the convention. This omission is not casual. It was purposely made; for, not admitting any right of reconsideration of the treaty, it would have answered no purpose to have gone into a consideration of its merits. A reference to former communications between the two Governments will be sufficient to show that materials were not wanting to prove the magnitude of the sacrifices made by the United States in the compromise made of the just claims of its citizens.

The undersigned seizes this opportunity to renew to his excellency the Duc de Broglie the assurances of his highest consideration. EDW. LIVINGSTON.

His Excellency the Duc de Broglie, &c.

Translation of a letter from the Duc de Broglie, Minister of Foreign Affairs of France, to the honorable Edward Livingston.

Paris, *October* 23, 1833.

The undersigned minister, Secretary of State for the Department of Foreign Affairs, has received the note with which the envoy extraordinary and minister plenipotentiary of the United States of America honored him, bearing date the 5th of this month.

This note begins by establishing (*établir*) that the American Government, in drawing a bill of exchange on the French Treasury, after the month of February last, only availed itself of a right founded upon the convention of the 4th of July, 1831. It then proceeds in endeavoring to demonstrate, by virtue even of the terms of the French constitution, that the Legislature of France is morally bound to provide his Majesty's Government with all the means for carrying into effect the said convention.

At the time when the undersigned charged the King's minister at Washington to express to the American Government the astonishment and regret which the measure adopted by its Treasury had created in France, and when he declared that measure to be premature, he was perfectly aware that the letter of the convention of July 4 would authorize the species of argument (*pourrait se prêter au mode d'argumentation*) employed in the note to which he has now the honor of replying. But he considered, and he still thinks, that the American Government would have acted in a manner much more proper, (*convenable,*) regular, and certainly more conformable with the spirit of a transaction, the principal effect of which was [expected] to be the strengthening of the bonds of friendship between the two countries, more especially as no doubt could have been entertained that the French Treasury would be entirely and absolutely unable to pay the bill drawn upon it until the Chambers had voted the appropriation of the necessary funds, if it had waited until this indispensable vote were passed, or had merely appointed some one with power to receive the instalments due, after the legislative sanction had placed at the disposal of the King the means requisite for making the payment.

With respect to the considerations contained in the second part of the note from the envoy extraordinary and minister plenipotentiary of the United States of America, the undersigned, although nothing could be further from his thoughts than the wish to weaken the moral force of the engagement subscribed by the French Government, must, however, observe, that even though he should, on this occasion, recognise (*se montrerait pénetré*) the entire justness of these considerations, yet the actual accomplishment of the pecuniary stipulations of the convention of July 4, 1831, would not the less be subjected to the condition of possibility, or, in other words, to the necessity of obtaining from the Chambers the requisite means.

The undersigned, therefore, will conclude by assuring Mr. Livingston again, most positively, that at the next session, and on the day after the Chamber of Deputies shall have been constituted, (*constituees*, ready for business,) the King's Government will lay before it the *projet de loi* relative to the convention of July 4th, 1831. His Majesty's Government being now certain that every thing has been done in this convention for the respective rights and interests of the two countries, which could have been expected from its sense of justice and carefulness, (*solicitude*, anxiety to comply,) now hopes that conviction will penetrate into the Chambers: it would be useless to add that no means will be neglected, on its part, to effect this end.

The undersigned seizes this occasion to present to Mr. Livingston the assurances of the high consideration with which he has the honor to be his most humble and obedient servant,

V. BROGLIE.

Mr. Edward Livingston, &c.,

Mr. Livingston to the Duc de Broglie.

Legation of the United States of America,
Paris, November 11, 1833.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, before he received the note which his excellency the Duc de Broglie did him the honor to address to him on the 23d of October, had transmitted to his Government an exact account of the assurances he had received, as well on the part of his Majesty as of the Duc de Broglie, of their earnest desire to carry into full effect the convention entered into between France and the United States, as well as of their confidence that the legislative branch of the Government, recognising the binding force as well as the justice of the compact, would make at the next session the appropriation for the purpose, and that every proper exertion should be made by the ministry of France to produce so desirable an end. The faithful transmission of those assurances, as well as those afterwards received by the note of his excellency the Duc de Broglie of the 23d of October, coupled with the declaration contained in the same note that he could not "entertain a thought of attenuating the moral force of the engagement entered into by the French Government," all these the undersigned had reason to believe would have had their due effect upon the Government of the United States in convincing them that, whatever reason they had to complain of former delay and disappointment, in future the Government of his Majesty, acknowledging that the treaty was morally binding upon the nation, and using its influence to remove doubts of a contrary nature, must succeed in procuring the means of redeeming the national faith confessed to be solemnly pledged. He still hopes that this effect may be produced by them.

But this hope is rendered somewhat less confident, since he has perused a note addressed by M. Serurier to the Secretary of State of the United States, in which the constitutional right of the legislative branch of the French Government to judge of the merits of the treaty is reproduced, and surprise is even expressed that the American Government should have ventured to doubt that right. This note is dated at Washington, the 10th of September last. As it has undoubtedly been transmitted, the undersigned invites the Duc de Broglie's attention to the passage beginning with these words, "Vous allez plus loin, Monsieur," and to the formal protest which it contains against the position asserted by Mr. McLane, and, as the undersigned understands the note of the Duc de Broglie, acquiesced in by his Majesty's Government. It is, however, necessary to a frank and efficacious mode of conducting this and every other negotiation between the two countries, that there should be an explicit understanding as to the obligatory force of the treaty. The faith of the nation is either pledged for its execution, or it is not. If it is, then surely no protest could with propriety have been entered against that inevitable consequence drawn by Mr. McLane, that a refusal to execute the treaty would involve a breach of national faith, from whatever department of Government that refusal might proceed. If, on the contrary, the doctrine of M. Serurier, on which he founds his protest, is true, that the Chambers may rightfully, and without giving the United States any just cause of complaint, refuse the appropriation, then we ought frankly to be told that such is the construction which his Majesty's Government put on their constitutional powers. As it is, the Government of the United States, when the note of his excellency the Duc de Broglie of the 23d ult. shall arrive, may be somewhat embarrassed between the language of that note, acknowledging the moral obligation of the treaty, and the formal protest of the minister, repelling with some acrimony every doubt of the right of the Chambers "to exercise a direct and effective control over the validity or invalidity of a treaty constitutionally concluded by the King;" for if the Chambers have a right to exercise such direct and effective control over the validity or invalidity of a treaty constitutionally formed, then it can have no binding force until the Chambers have pronounced; and the moral obligation to execute it, which is acknowledged by the Duc de Broglie's note, cannot exist. The undersigned would not have renewed any discussion on this subject, which he considered as unnecessary, after the note of the Duc de Broglie had acknowledged the principle for which his Government contends, but for the effect which the official letter of M. Serurier is calculated to produce at Washington, where the uneasy feelings naturally excited by the delay in executing the treaty cannot but be increased by the assertion of a right in any branch of the French Government to exonerate the nation from all obligation to perform it.

The undersigned forbears any remarks on other parts of the correspondence transmitted to him from Washington, further than to disavow any desire on the part of his Government to bring into the discussion any of the topics of personality, or to conduct it with an improper warmth. It thought its rights injured by delay in executing a treaty which stipulated a payment at a certain day; and it said so in language from which respect for itself, as well as for a friendly nation, will never allow it to depart. It has repelled the charge of a premature demand of its rights, as well as that of an unusual or unfriendly mode of making it; and if it has entered into any discussion of the relative powers of the different branches of the French Government, it was because a construction seemed to have been put upon the distribution of those powers, which would have destroyed the obligation of a compact, necessary to the good understanding subsisting between the two nations.

The undersigned cannot also but regret to find in the correspondence to which he has alluded, as well as in the note of the Duc de Broglie, that the charge against the Government of the United States, of having acted in a manner inconsistent with the spirit of the treaty, in the time and manner of making the demand of its right, is repeated. Enough would seem to have been said on this subject to vindicate the United States from any such imputation; but since that effect does not seem to have been produced, a few words more may be necessary, and then, unless the charge be reiterated, the subject will no more be alluded to in the correspondence that may hereafter take place.

The Duc de Broglie persists in thinking that the United States, in pursuit of a right which he acknowledged to be founded on the words of the treaty, had demanded it in a manner ill-suited to the occasion, irregular, and inconsistent with the spirit of amity which dictated the treaty. The Government of the United States must have known, his excellency says, that his Majesty's ministers could not pay until the Chambers had made the appropriation; and, knowing this, they should have waited until the vote was passed before the bill was drawn, or they should have appointed an agent to wait the action of the Chambers, and then to ask for payment. By the note to which the undersigned has the honor to reply, the ground is much narrowed, and he finds with pleasure that the drawing of the bill is no longer considered, as by M. Serurier's first note it seemed to be, either a good reason for protesting the draft, or as a proper set-off against the disappointment incurred by the non-payment; and that the strict right to demand the payment, when it was demanded, being acknowledged, the only question remaining is, whether there was any thing unfriendly or uncivil in the mode of making it.

That the Government of the United States knew that the Government of his Majesty could not pay the draft until the Chambers had placed the money at their disposal, may be admitted without justifying the consequence that they ought to have waited for that measure, at the risk of incurring the reproach of an unfriendly and ill-timed proceeding. On the contrary, they think that reproach would have been justly incurred, had they so far intermeddled with the internal affairs of France as to ask what were the means provided for redeeming the public faith pledged by the treaty, or to have made the insulting inquiry whether it would be redeemed at the stipulated time. It was sufficient for them that a friendly and honorable nation, faithful to its engagements, had, by its constitutional organ, promised; and it would have been, according to their ideas of propriety, indelicate, if not offensive, to have asked for any additional assurance. This could only have been based on the supposition that one branch of the Government would counteract the constitutional powers of the other, and it would have exposed the American Government, with justice, to the very reproach that has been unjustly applied to their subsequent conduct, that of having made an ill-timed, irregular, and unfriendly demand. They could not then have made any inquiry after the ratification of the treaty, and before the day of payment, even if they had entertained doubts of its punctual execution. But no such doubts were entertained; the bill was drawn without the remotest idea of its being dishonored; it was drawn not with any idea that it would cause an embarrassment, but in the most perfect friendly confidence that it would have been provided for before it could be presented. It is repeated, because the undersigned is personally conversant with the fact, that the return of the bill caused the utmost astonishment at Washington as soon as it was known; and it will not be difficult to show that this astonishment naturally grew out of the circumstances of the case. The treaty was signed at Paris on the 4th July, 1831. It stipulated that the sum due to the United States should be paid in one year after the exchange of the ratifications. That exchange took place on the 2d of February following: its provisions were known in France, then, nineteen months before the payment was to be made, and near two years before it was demanded. During all this time, although two sessions of the Legislature intervened, although the speech from the throne announced the formation of the treaty, not an intimation was given of any doubt that provision would be made for its faithful execution. Nothing said to the diplomatic agent of the United States here, or by the minister of France at Washington, to give notice either of any claim on the part of the Legislature of a right to judge of the merits of the treaty, or of any objection on their part to its execution.

If an application had been made, grounded on any unforeseen accident, or other circumstance, that might have rendered a strict compliance highly inconvenient, no doubt that the United States, in the same friendly spirit of forbearance that prevented them from pressing their claims when those of a host of enemies were fully paid, would have made every arrangement that liberality and the most amicable feelings could dictate. But, in the utter ignorance that any want of preparation was apprehended, were they gratuitously to suppose it? Were they to doubt—when France engaged to pay on the 2d of February, 1833, and during two years gave not the slightest notice of any difficulty—were they to doubt that it would be done? And are they to be blamed for not acting as if they entertained such an injurious doubt? Again, it is repeated that, in their view of the subject, it would have been injurious to the honor of France so to have thought, or so to have acted. Conscious that his Government, in the whole of this concern, has acted with forbearance, and a proper desire to preserve a friendly relation between the two countries; jealous of its reputation, not only for a strict compliance with its engagements, but for a proper courtesy in its national intercourse, the undersigned has perhaps been led into an unnecessary argument to show that which a simple statement of the facts would have proved; and he quits this subject in the hope that he has removed from the mind of his Majesty's Government every suspicion of an unfriendly proceeding on the part of his own.

There is another point on which the undersigned is constrained to say that the United States have great cause of complaint of unreasonable delay in the execution of this treaty; a point wholly independent of any legislative action, and which, therefore, will not admit of the arguments which have been used to accout for the inexecution of the principal article.

His excellency the Duc de Broglie will readily conceive that the sixth article of the convention is here referred to. In the archives of the legation, records are found of repeated applications for papers under this article, to which no answer has yet been received, although some of them were made as early as the ratification of the treaty. In one of the conversations with which the Duc de Broglie honored the undersigned on this subject, more than four weeks since, he was given to understand that no difficulty was apprehended on that subject. Subsequently he was told that a conference with the chief of the judiciary department was previously necessary, which has not yet taken place. Numerous applications on the part of persons interested for papers necessary to substantiate their claims have been received, and are daily coming in to the legation, which it has not been thought necessary specifically to produce to the Department for Foreign Affairs until a decision has been made on the general demand; in the meantime, as has been frequently stated, a board of commissioners, created at Washington under the treaty for examining the claims, is now sitting, and will be forced either to suspend its operation, or exclude the great mass of claimants whose demands are to be substantiated by the papers to be received from here. And the undersigned is forced to repeat his apprehensions that the delay in furnishing the documents required by the sixth article will be considered by his Government as inconsistent with the friendly assurances that have been given of a desire to carry the convention into execution. After his first conference with the Duc de Broglie, the undersigned had expressed in his despatches the hope, he really entertained, that this branch of the difficulties which had occurred, not depending as did that of the payment on the other department, would have been speedily removed, and his regret at not being able to announce the fulfilment of those hopes is consequently the greater, as will be the disappointment of the parties interested and of his Government.

The undersigned cannot conclude this note without repeating his earnest desire, and that of his Government, that this unpleasant decision in relation to the indemnity may speedily terminate, and thus remove the only obstacle to a negotiation of infinitely more importance; one in which he will engage with the greater pleasure, because it will, if successful, secure the amicable relations between the two countries, by placing their commercial intercourse on a permanent and mutually beneficial foundation.

The undersigned seizes this opportunity of renewing to his excellency the Duc de Broglie the assurances of his high consideration.

EDW. LIVINGSTON.

The Duc de Broglie to Mr. Livingston.

[TRANSLATION.]

Paris, *November* 20, 1833.

The undersigned, Secretary of State for the Department of Foreign Affairs, has received the note with which the envoy extraordinary and minister plenipotentiary of the United States of America honored him on the 11th of this month.

Mr. Livingston having conceived that there was an inconsistency between the note of the undersigned, dated the 23d of October, and the answer addressed on the 9th of September to the Secretary of State of the United States by the minister plenipotentiary of the King at Washington, the undersigned made it his duty to read both those papers attentively, as well as Mr. McLane's letter. After their examination, he finds it impossible to agree in opinion with Mr. Livingston. On the one hand, indeed, the King's minister could not pass over in silence the passage in the despatch to which his answer particularly applies; and, in the next, the language of M. Serurier does not appear to the undersigned to be at all, in reality, at variance with the manner in which he expresses himself in the note of October 23d. However, he considers it the less necessary to prolong the discussion of this subject, as the minister plenipotentiary of the United States has himself considered the explanations contained in the abovementioned note of October 23d as being of a nature calculated to satisfy the Federal Government entirely, and to convince it of the loyalty of the sentiments and disposition of his Majesty's Government.

It is for the same reason that, with respect to the considerations alleged by Mr. Livingston to justify the proceedings of the American Treasury in drawing as early as last February a bill of exchange on the French Treasury, the undersigned conceives it his duty to abstain from renewing a controversy which would no longer bear on other than secondary points, under the present circumstances of the principal question.

Complaints have been made by the minister plenipotentiary of the United States of the delay on the part of the King's Government to carry into effect the sixth article of the treaty of July 4, 1831, respecting the documents which relate to the American prizes. The undersigned regrets to reply that he does not consider those complaints just, (fondées.) He will remind the minister, on this subject, of a number of documents which were successively addressed by the Department of Foreign Affairs to the American legation, particularly the accounts (etats) of sentences and decisions of the Council of Prizes; accounts of the American vessels sequestered and sold by the custom-houses of Bayonne and Antwerp; and accounts of the vessels burnt or destroyed at sea; to all which documents were appended explanations, (renseignments,) as well as papers in justification, (pieces justificatories, means papers calculated to throw light on a subject, or such as have been cited in a work,) which the administration could furnish. He will add that, as far as concerns the sentences (jugemens) of the Council of Prizes, private individuals have, and also always have had, the power of obtaining copies, on paying the very moderate expenses of the clerk's office, (greffe,) which are a part of the revenues of the State, and from which the Government cannot therefore exempt them. Moreover, the undersigned is happy to have it in his power to announce that the committee of the Council of State, charged with the examination (depouillement, opening) of the papers relating to the American prizes, whose duties have been so frequently interrupted by the vacations of the Council, has concluded its operations. The report which it was charged to make will be immediately laid before the undersigned, with a particular statement on each file of prize papers; and, as soon as these documents have been received, he will hasten to transmit them to Mr. Livingston.

The undersigned is as anxious as the minister plenipotentiary of the United States can be for the definitive conclusion of an affair the delays in which are completely independent of the will of the King's Government, and the settlement of which cannot fail to unite the two countries more intimately, and in all that concerns the increase of those relations and tends to their mutual advantage. Mr. Livingston will find the undersigned ready to confer with him on the means for attaining results so salutary and conformable with the wishes of the King's Government.

The undersigned renews, &c.

V. BROGLIE.

Mr. Livingston to the French Minister of Foreign Affairs.

Paris, *January* 4, 1834.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, feels himself obliged to express to H. E. the Duc de Broglie his surprise and regret that the communication so often promised on the subject of documents required by the sixth article of the convention of the 4th of July, 1831, has not yet been made. The regret of the undersigned is the greater, because, relying on the assurances given to him from time to time, that the report on this subject would in a day or two be sent to him, he has regularly sent these assurances to his Government, and added his own that no delay need be apprehended, but has as often been obliged, by the succeeding packets, to announce the dissappointment of expectations he had every reason to believe well founded; and surprise was added to his regret, because, the report having long since been declared to be ready, he could imagine no reasonable ground for delay.

The undersigned prays, therefore, that such an answer may be given to the numerous written as well as verbal applications he has had the honor to make on this subject, as he can transmit to his Government as the final resolution of his Majesty.

He seizes this occasion to renew to H. E. the Duc de Broglie the assurance, &c.

EDW. LIVINGSTON.

His excellency the Duc de Broglie, &c.

Mr. Livingston to the Duc de Broglie.

Legation of the United States,
Paris, March 7, 1834.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, feels himself obliged to express to his excellency the Duc de Broglie, minister, Secretary of State for Foreign Affairs, the regret he feels in having been once more obliged to announce to his Government that another day assigned for presenting the report of the commission on the convention of July, 1831, has passed without making it, and that, instead of being, in conformity with the assurance given by his Majesty's Government, the first, it will, most probably, be the very last subject which is deemed worthy of consideration.

His excellency the Duc de Broglie cannot fail to recollect that, after several periods had been successively fixed as those in which the report would be made, Tuesday last was finally fixed on for that purpose; yet the week has nearly elapsed, and nothing has yet been done.

The undersigned would neglect an important duty if he did not formally, as he has often done in verbal conferences, beg the Government of his Majesty to recollect that we are far advancing to the middle of the month of March; that even, after the law is reported, time must be allowed for discussion in the Chambers, and that from 40 to 60 days will be required before the result can be made known at Washington, by which time Congress may have adjourned, under circumstances produced by such unexpected delays as may be injurious to the good understanding so happily subsisting between the two nations, and which it is the duty as well as the earnest desire of the undersigned to promote.

The undersigned has the honor to renew to the Duc de Broglie the assurance of his highest consideration.

EDW. LIVINGSTON.

Count de Rigny to Mr. Livingston.

[translation,]

Paris, *April* 28, 1834.

Sir: Agreeably to the desire expressed in the letter with which you have honored me, dated the 25th instant, I have just requested (*invité*) the Minister of Justice to place immediately at your disposal, or that of Mr. Sedgewick, the documents which it has been agreed upon to deliver to the Government of the United States.

I have the honor to be,
With the highest consideration, sir,
Your most humble servant,
DE RIGNY.

To the Hon. Edward Livingston, &c.

Mr. Livingston to the Count de Rigny.

Legation of the United States,
Paris, May 2, 1834.

Sir: Mr. Sedgewick, attached to this legation, went this morning to the Department of Justice for the purpose of receiving the paper which, by your excellency's letter of the 28th April, I was informed you had requested the Minister of Justice to hold at my disposal. To my great surprise, he returned with an answer purporting that the Minister of Justice had declared that, since the vote of the Chamber of Deputies on the treaty, they could not be delivered without a further consultation of the Ministerial Cabinet. I find it difficult to believe that any objection should be made to the delivery of these papers, after the verbal as well as written assurances I have received that this part of the convention should be complied with; but that I may know, and communicate to my Government, the determination of his Majesty's ministers on this subject, I pray that your excellency will have the goodness to inform me whether there has been any misunderstanding in the verbal answer given to Mr. Sedgewick; and, if not, whether the papers in question will or will not be delivered.

I have just received instructions (given before the vote of the Chamber of Deputies on the treaty, and under the fullest confidence that all its provisions would be carried into execution) to express the expectation of my Government, not only that the papers which are mentioned in your excellency's letter of the 28th of April should be delivered, but that copies of all the judicial and other proceedings in the prize cases, and relating to seizures, confiscations, and sale of American property, should be furnished free of expense. They consider the engagement contained in the sixth article to be an explicit promise to put into the power of the United States all the documents relating to the claims, without any distinction; and if it is found inconvenient, on the part of his Majesty's Government, to part with the original proceedings, that copies should be furnished, as the only other mode of complying with the stipulation; and that to ask any compensation for the trouble of the officers engaged in making the copies would be to make a new condition not contained in the treaty. Besides, if the article only stipulated that copies should be given on paying the usual fees, it was entirely unnecessary, because, in France, as well as in every other civilized country, parties interested have, by common usage, a right to procure copies of judicial proceedings on those conditions. This is an engagement between two Governments to communicate each to the other certain documents; and I am instructed to say that the United States cannot consider a condition to pay for such copies in any other light than a deviation from the plain letter as well as the spirit of the agreement, which was to put each party, without restriction, in the possession of every document necessary for the repartition of the sums allowed to its citizens. Although these instructions were given, as I have had the honor to state, at the time when no doubt was entertained by the President that the treaty, in all its parts, would be strictly complied with, yet as, in any event, it may be important for the United States to be in possession of the copies of these records, I beg the favor of your excellency to inform me whether the copies of the records in question will be furnished in the manner in which my Government understood the sixth article of the treaty; that is to say, free from any expense.

I pray your excellency to receive the renewed assurances of high consideration with which I have the honor to be your most obedient servant,

EDW. LIVINGSTON.

His Excellency Comte de Rigny,
Minister of Foreign Affairs, &c.

Count de Rigny to Mr. Livingston.

[TRANSLATION.]

PARIS, *May* 8, 1834.

SIR: Immediately after I had received the letter with which you honored me on the 2d of May, I wrote again to the Keeper of the Seals respecting the papers and documents arising from (*provenant de*) captures of American vessels, and deposited in the archives of the Council of State. M. Persil has just sent me a letter, which I have the honor to transmit to you, and by which he authorizes the Secretary General of the Council of State to deliver those documents to the person whom you may charge to receive them.

As to the second question of which you speak in your letter of the 2d of May, I shall have the honor of addressing you hereafter on the subject.

I have the honor, &c.

DE RIGNY.

To Mr. LIVINGSTON,
Envoy Extraordinary, &c.

Mr. Livingston to the Count de Rigny.

LEGATION, &c., *Paris, May* 10, 1834.

SIR: I have received the letter with which you have honored me, covering the direction of the Minister of Justice for the delivery of the original papers which I had requested. This order has been complied with; but I regret that your excellency could not give me an answer to that part of my letter which related to judicial and other proceedings attending the condemnation. In order, however, that no time may be lost in preparing those copies, I beg that your excellency will direct that the copies in question be prepared.

Independently of the several vessels which were declared to be good prize by the Council of Prizes and Imperial decrees, there were several vessels, a list of which is annexed, seized in Holland in the year 1810, and the cargoes of which were transferred from Antwerp to Paris, and sold without any condemnation. It is essential to the interests of the several claimants that the amount of these sales, designating the ships in which the several articles were imported, should be furnished to them, duly authenticated. It is presumed that this document can be furnished from the General Office of Customs; or, if this account of the sales should not designate the vessels from which the respective cargoes proceeded, that any other documents in possession of any other public officer, which can throw light on the subject, may be furnished. As a document of this nature, a list of several articles so sent from Antwerp, with the marks and numbers of the several packages, and the names of the different carriers by whom they were sent, has been furnished to some of the claimants; but, as it is not properly authenticated, the commissioners have refused to receive it.

I have to request, also, sir, that a copy of the last-mentioned document may be furnished to me duly legalized.

I pray your excellency to receive the assurance of the high consideration with which I have the honor, &c.

EDW. LIVINGSTON.

His Excellency COUNT DE RIGNY, &c.

The documents which will be necessary in relation to the cases coming under the seizures in Holland, are—

1. The copy, in form, of the Imperial decision of confiscation, and the report on which that decree was given.
2. The original ships' papers, (*papiers de bord.*)
3. The proces verbaux of the sale of the ships and of the cargoes, or at least so much of them as will show the gross and nett amount of the sales.

List of American vessels seized in Holland, the cargoes of which were transferred and sold in France.

Bacchus, James, Cincinnatus, Uranie, Two Sisters, Hudson, Dean, Neptune, Hannah, Indian Queen, Governor Strong, Matilda, Two Friends, Baltimore, St. Michael, Sally, Suffolk, Maria.

Mr. Livingston to the Count de Rigny.

LEGATION OF THE UNITED STATES,
Paris, July 26, 1834.

SIR: The assurance given by his Majesty's Government, that no time should be lost in again submitting to the Chambers the law for giving effect to the convention with the United States, might seem to render any further communication on the subject unnecessary; but the high importance attached by the President and by the nation to the performance of the stipulation of that treaty, and the near approach of the session of the Chambers, oblige me to bring the matter again before his Majesty's Government.

It is not my intention to urge that the national faith of France is pledged for the performance of those stipulations, and that it must suffer in proportion to every delay in redeeming the pledge. This has been sufficiently done in my preceding communications. My object now is to urge the consideration of the subject at the approaching session of the Chambers, and to inquire what decision his Majesty's Government has come to on that point. I have had frequent occasion to state, in conversations with which your excellency and your predecessor have honored me, that the postponement of this subject to the month of December cannot but have an injurious effect upon the relations between the two countries: a necessary consequence must be, that Congress, at its next session, (constitutionally limited to the 3d of March next,) cannot, before their adjournment, be informed of the result of the proceedings here, and that the lapse of a fourth year, without providing for a performance of the treaty, may lead to measures tending to estrange from each other two nations who have so many motives for a close connexion. It is now understood that there will be a general attendance on the convocation of the Chambers in August, that they will be regularly organized, and that his Majesty will deliver the opening speech. Whether the ordinary business of the session will be taken up or not, it does not become, nor is it necessary that I should inquire. But the important affair with which I am specially charged obliges me to suggest that, even if it should not be the intention to proceed to the consideration of the matter, yet the opportunity now presented ought not to be lost of doing an act of justice, and putting an end to the irritating feelings which further delay must produce; and suffer me to add, sir, that my Government has a right to expect, and will, that motives of convenience, and even the usual course of proceeding, should they be opposed to the immediate consideration of the subject, ought to give way to the extraordinary circumstance of the present case, and, if the law cannot be submitted at this session, that at least an early meeting of the Chambers in the autumn may be called for that purpose. The sincere desire I have always felt, and have so frequently expressed, to remove the only obstacle to a negotiation which I am authorized to open for placing the commercial and amicable relations of our countries on a basis at once permanent and mutually beneficial, as well as my official duty, must justify the urgency and frequency of my communications on the subject.

I seize with pleasure this occasion of renewing to your excellency the assurance of high consideration with which I have the honor to be your most obedient, humble servant,

EDW. LIVINGSTON.

His Excellency Comte de Rigny,
Minister of Foreign Affairs, &c.

Mr. Livingston to the Count de Rigny.

Legation of the United States,
Paris, July 29, 1834.

Sir: Instructions, which I had in some measure anticipated in my note to your excellency of the 25th instant, have this day been received. They make it my duty (one which I perform with pleasure) to assure his Majesty's Government that the President feels the most perfect confidence in the assurances which have been given of his Majesty's desire to fulfil the stipulations of the convention of July, 1831, with the United States, through this legation, and particularly in those contained in an official communication made by M. Serurier to the Secretary of State of the United States, that the law for carrying the treaty into effect should be presented to the new Chamber, with the just hope that a more intimate knowledge of the justice of its provisions, and of the interest of the two nations, would ensure its passage. And the President also received with additional pleasure the assurance, contained in the same communication, that it was his Majesty's intention "to do all that the constitution permitted to hasten as much as possible the new presentation of the rejected law." These assurances, and the confidence which was felt in them, as well as the hope that a sense of the justice of the treaty, and of the obligation it created, would ensure in the new Chamber the passage of the law, would induce the President to forbear making any communication to Congress at its last session, which might lead to measures injurious to the good feeling between the two nations, which he is anxious to preserve. But it is my duty frankly and distinctly to add, that the President cannot, at the opening of the next session of Congress, avoid laying before that body a statement of the then position of affairs on this interesting subject, nor, under any circumstances, permit that session to end, as it must on the 3d of March, without recommending such measures as he may deem that justice and the honor of the country may require. The meeting and organization of the Chambers on the 31st instant, affording the means of complying, at an early day, with the engagement mentioned in M. Serurier's note, the President will feel the utmost concern, I am sure, if I should not be enabled, by your excellency, to inform him that the "projet de loi" would be presented at this session, or that the Chambers will be convened again at a day early enough for them to consider the subject, and for the conveyance of the result to the United States before the first of December, when Congress will meet; and I am instructed to say that to one or the other of these measures he considers M. Serurier's engagement to extend—an engagement which he expects, and has no doubt, will be punctually performed.

I seize this occasion of reiterating to your excellency the assurance of high consideration with which I have the honor to be your most obedient, humble servant,

EDW. LIVINGSTON.

To the Comte de Rigny,
Minister for Foreign Affairs, &c.

Count de Rigny to Mr. Livingston.

[translation.]

Paris, *July* 31, 1834.

Sir: I have received the two letters with which you have honored me on the 26th and the 29th of this month.

The King's Government is happy to learn that his excellency the President of the United States, justly satisfied with the explanations which his Majesty's minister at Washington was charged to submit to him on the subject of the convention of July 4, 1831, places entire confidence in the execution of our promises. We did not expect less, sir, from the wisdom and honor which distinguish the Chief Magistrate of the Union; and I am happy to be able to announce to you that the confidence which he has thus nobly placed will not be deceived. He has a security for this in the spirit of rectitude which the King's Government has ever evinced in the affair of the American claims, and in the assiduous care with which we exclude from the relations so fortunately established with the United States every thing which could disturb their harmony. The King's Government, I do not hesitate to repeat, will eagerly seize the first occasion again to submit to the deliberations of the Legislature the bill (*projet de loi*) requisite for carrying into effect the convention of 1831, and will use every exertion in its power to obtain an issue to this important question, conformable with the wishes of the two cabinets; but certainly it will not be requisite for metto explain the reasons which will prevent the subject from being brought before the Chambers during the short session which the King will open this day. This session, the only object of which is to give the Chambers an opportunity of organizing themselves, (*se constituer,*) will be almost immediately prorogued; and it will be needless to demonstrate to you, sir, the imposibility of keepring a Legislature assembled at a season of the year duing which, in France as in the United States, and in most under a constitutional form of government, parliamentary labors are habitually suspended.

I regret, then, that on this point his Majesty's Government is unable to accede to the desire which you have expressed to me. As to the demand that the Chambers should be convoked in the autumn, in order to determine on the subject of the bill which was presented during the last session, it would be equally impossible for the King's Government to enter into any positive engagement to that effect; but as soon as they can be assembled, you may be assured that, among the subjects first submitted to their deliberations, will be a treaty, all the stipulations of which we sincerely desire to obtain the means of executing. For our own parts, we doubt not that the frankness and clearness of these new explanations will be properly appreciated by your Government, and that, if the President of the United States should not consider himself at liberty to dispense with calling the attention of Congress to the state of this affair, he will only do so for the purpose of communicating the reasons for his confidence in the honesty of our intentions, and of counteracting any tendency to the adoption of measures the more likely to be regretted as they could only impede the settlement of a question for which we are sincerely desirous to exclude any new difficulties.

I have the honor to be, &c.

DE RIGNY.

Mr. Livingston to the Count de Rigny.

Legation of the United States,
Paris, August 3, 1834.

Sir: I have the honor to acknowledge the receipt of your excellency's letter of July 31, in answer to mine of the 25th and 29th of the same month. When this communication shall be submitted to the President, he will doubtless be gratified at the renewed assurance it contains of a sincere desire to procure a speedy and faithful execution, on the part of France, of the stipulations contained in the treaty. But I cannot, and ought not, in candor, to conceal my persuasion that he will feel great surprise and regret when he looks in vain in that communication for a repetition of the assurances given by M. Serurier as to the time at which the law for executing the treaty will be submitted to the Chambers. This disappointment will be the greater, because, in my note of the 29th, I drew the attention of your excellency to that subject, by a quotation from the letter of M. Serurier to the Secretary of State, which the President will naturally think required particular notice. As the extent of this engagement of his Majesty's minister at Washington does not seem to be duly appreciated, and the effects it produced may not be fully known, it will be proper that I should enter into some development of both. Your excellency is doubtless aware of the circumstance that my despatches announcing the rejection of the law arrived in the United States in the first week in May, but those despatches also stated that a fast-sailing vessel would be sent with instructions to M. Serurier to make some explanations on the subject. In ordinary cases it would have been deemed a duty in the President to have informed Congress of the change which this refusal of the Chamber was calculated to produce in the relations between the two countries. But he was anxious to prevent any measure that might increase the irritation naturally felt by the nation, and the minister of France was assured that no message would be sent to Congress until the arrival of his instructions. By an unusually long passage, these did not arrive until a month after the rejection of the law had been known in the United States; and, finally, the 3d of June, M. Serurier made the promised explanation, and gave the assurance to which I once more pray your excellency's particular attention. "Le Gouvernement du Roi" (he says) "y fera, Monsieur, tout son loyal et constitutionnel effort, et tout ce que sa perseverante persuasion de la justice et des avantages mutuels du traite vous autorisent à attendre de lui. Son intention est, en outre, de faire tout ce que notre constitution permet, pour rapprocher autant que possible l'epoque de la presentation nouvelle de la loi rejettee." It cannot have escaped your attention, sir, that the only limitation designated for the presentation of the law is that prescribed by the constitution. The words are express—"every thing permitted by the constitution is to be done to hasten the period of presenting the law." Now, whatever doubts may exist as to the presentation of the law at the preparatory session, none, it would appear, are entertained that the charter would permit the convocation of the Chambers at a day early enough to convey the result of their deliberation to the President before the meeting of Congress. It was thus that the promise of M. Serurier was understood at Washington, and the President acted upon this understanding of it, when he made it the basis of his resolution to forbear any communication to Congress at the then session. This resolution, and this motive for it, are unequivocally expressed in Mr. McLane's answer to M. Serurier's note.

I am directed by my instructions to be candid and explicit in all my communications. This course cannot, I am sure, but be as agreeable to his Majesty's Government as it is to my own inclinations. I am bound, therefore, in this spirit of frankness, to declare that although the utmost reliance is placed on the assurances of his Majesty's ministers, and that not a doubt is entertained of the sincerity of their desire to procure the means of executing the treaty, yet it does not appear that they appreciate the importance of the subject at its just value. The obligation of the treaty is acknowledged; it is confessed that the public faith is pledged for the payment of sums of money due now for nearly three years; it is not denied that the United States have, with fidelity and promptness, executed their part of the treaty, and that they have shown the utmost forbearance and moderation, under circumstances of a nature to create great excitement. In this state of things, something more would seem to be required than the general assurances that the earliest day would be taken to satisfy the demands of justice, and redeem the pledged faith of the nation. It might be expected that the personal convenience of the members of the Legislature, or even some degree of national interest, ought to give way to the strong exigencies of such a case. It cannot escape the observation of your excellency, that, in a certain solution of the question, ulterior considerations may arise, which will give additional gravity to the subject.

I have submitted these reflections, in order that nothing may be omitted on my part to show the light in which this matter is viewed by my Government; and in the hope that a reconsideration of the circumstances may produce a different result, and enable me to inform the President that his Majesty's Government have decided that the importance of this case will justify them in making an exception in its favor to the ordinary course of proceeding, and that it will be submitted to the Legislature at such an early day as may enable the President to announce that his confidence in the justice of the French nation has been justified by the event.

I pray your excellency to receive the renewed assurance, &c.

EDW. LIVINGSTON.

Count de Rigny to Mr. Livingston.

[TRANSLATION.]

PARIS, *August* 7, 1834.

SIR: I have received the letter with which you honored me on the 4th instant, in reply to mine of July 31st. While you acknowledge (*appreciez*) the sincere assurances which I had the happiness again to express to you, that it was the intention of the King's Government to spare no efforts towards producing an entire and satisfactory conclusion of the affair of the treaty signed on the 4th of July, 1831, you seem, sir, to fear that the President of the United States might not find in those same assurances confirmation of that which his Majesty's minister in Washington made in his note of the 5th of June, respecting the period at which the *projet de loi* for the execution of the convention would be again presented to the Chambers. On reading over M. Serurier's note, I am unable, I confess, to find in it any engagement or expression which is at variance with what I have had the honor to communicate to you myself.

The King's minister at Washington has certainly said nothing inconsistent with truth, when he spoke of our disposition to do all that the constitution would permit, in order to hasten the period for the presentation of the rejected bill. But you are aware that the execution of this plan is subordinate to considerations not to be lost sight of for the sake of the very end which both Governments are anxious to attain; and M. Serurier cannot have meant any thing else in the part of his note which has thus been particularly regarded at Washington, (*dont on a cru devoir prendre acte à Washington.*) You know, sir, the motives which would prevent the presentation to the Chambers of the *projet de loi* respecting the convention of 1831, during the session which will be immediately prorogued. Reasons equally peremptory and equally clear would forbid assembling the Chambers before winter, for the special purpose of voting on this question; and it is with regret, I repeat, that we find ourselves unable to accede to the desire of the President of the United States on this point. But, besides the impossibility of keeping the Chambers together at a time of the year during which parliamentary labors are habitually suspended, and when the Deputies already appear impatient to return to their homes, there is another consideration more particularly applying to the treaty of 1831, the importance of which cannot have escaped your attention. Placed, as you are, in a situation to judge of every thing here which could have relation to the question, you must have been convinced with what circumspection (*menagemens*) it has to be treated before the Legislature and the public; and your own observation on this point must have enabled you to appreciate the system of prudence and procrastination (*adjournement*) which the King's Government had prescribed for itself. These precautions are equally necessary and proper at present; and, without entering here into details, the want of which your own penetration may easily supply, it is to be doubted, I must say, whether, in the actual state of things, an untimely (*anticipée*) assembling of the Chambers for the purpose of securing, by their assent, the execution of the treaty of 1831, would produce those advantages which are, at Washington, expected from such a course. After these explanations, in which your Government will, I flatter myself, discern as much frankness as there is in the communications which it has instructed you to make, (*prescrites,*) I repeat that, as soon as the Chambers can be assembled, the *projet de loi* which they discussed in their last session will be one of the first subjects presented to them; and this new delay, I hope, will be far from injuring the prospect of success of an affair in which the assistance of time has already been usefully invoked.

The King's Government, which has just received, with M. Serurier's despatches, the note of the First Secretary of State of the Union in reply to the communications of that envoy, is sincerely affected by the confidence of the President in the loyalty of its promises. The moderation of the Chief Magistrate of the Republic of the United States is a new testimonial of the nobleness of his character, and of the enlightened principles by which his policy is guided. He will continue, we doubt not, to display in this business a spirit of wisdom and reconciliation well calculated to second our efforts for a successful termination of the affair; and he must be well persuaded that the French Government, as it comprehends the extent of its engagements, will fulfil them with that good faith which presides over all its actions.

I have the honor to be, sir,
With high consideration,
Your most humble and obedient servant,
DE RIGNY.

Count de Rigny to Mr. Livingston.

[TRANSLATION.]

PARIS, *August* 8, 1834.

The Minister of Foreign Affairs wishes to consult the several American documents indicated in the annexed note. He has the honor to request Mr. Livingston to have the kindness to communicate them to him if they should be at his disposal.

He embraces this occasion to renew to the Minister of the United States the assurances of his high consideration.

[*Note referred to in the preceding.*]

1. The report made to the American Congress in 1824, by the commissioners appointed in virtue of the eleventh article of the treaty between the United States and Spain, with the papers accompanying said report.

2. Every document calculated to prove that the owners of the American vessels seized in the Spanish port of St. Sebastian, and sold at Bayonne in 1810, have received no part of the indemnification allowed by the treaty of 1819.

3. The report last made to Congress by the commission appointed for the apportionment of the indemnifications allowed by the treaty of July 4, 1831.

4. The report to Congress relative to the indemnification allowed by England to the United States by the terms of the treaty of Ghent of 1814.

Count de Rigny to Mr. Barton, Charge d'Affaires, &c.

[TRANSLATION.]

PARIS, *September* 5, 1834.

The Minister of Foreign Affairs has the honor to send annexed to the charge d'affaires of the United States certified copies from the archives of the Council of State of the decisions of the Council of Prizes, and of the Imperial decisions made respecting American vessels, of which a statement will also be found annexed.

He takes, with pleasure, this occasion of renewing to Mr. Barton the assurances of his distinguished consideration.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE FRENCH MINISTER AT WASHINGTON.

The Secretary of State to the French Minister.

DEPARTMENT OF STATE,
Washington, April 26, 1833.

The undersigned, Secretary of State of the United States, has the honor to inform M. Serurier, envoy extraordinary and minister plenipotentiary of his Majesty the King of the French, that he has received a despatch from the charge d'affaires of the United States at Paris, dated the 23d of March last, stating that the bills drawn on the French Government for the first instalment of the indemnity under the convention of the 4th July, 1831, accompanied by a full power appointing the holder of the said bills to receive the same, had been remitted to Paris to be presented for payment; but that, as no appropriation had been made by the Chambers, apprehensions were entertained that there might be some delay in the payment.

The undersigned, therefore, takes the liberty of making the inquiry whether any late or other information on the subject has been received from the French Government; and has the honor to renew to M. Serurier the assurance, &c.

EDW. LIVINGSTON.

M. SERURIER, *Envoy Extraordinary and Minister Plenipotentiary of his Majesty, &c.*

M. Serurier to Mr. Livingston.

[TRANSLATION.]

WASHINGTON, *April* 27, 1833.

SIR: I hasten to reply to the note with which you have honored me, bearing date this day. Your accounts from Paris, sir, are much later than mine, which do not come down to the 1st of March.

Besides, as the question of the indemnification is at an end, the Government, as was very natural, has for some time ceased to allude to it in its communications to me. I am surprised that the charge d'affaires of the Republic in France, if any delay has occurred in the execution of the stipulations of the convention, did not immediately address himself directly to the Minister of Foreign Affairs; the Duc de Broglie would have given him every explanation he could have desired, and he might have transmitted them to you.

Being myself entirely ignorant of the situation in which things are, I can only offer to submit to my Government, without loss of time, any observations which you may think proper to address to me, and to request an answer as speedily as possible. I must, however, repeat, that the charge d'affaires of the United States, by addressing the Duc de Broglie directly, might have rendered the greater part of these explanations unnecessary.

Accept, sir, the assurances of my high consideration.

SERURIER.

To the Hon. Edw. Livingston,
Secretary of State.

Mr. McLane to M. Serurier.

Department of State,
Washington, May 18, 1833.

The undersigned, acting Secretary of State, had the honor, yesterday, of an interview with M. Serurier, envoy extraordinary and minister plenipotentiary of his Majesty the King of the French, for the purpose of receiving such explanations as M. Serurier had been authorized to make, respecting the non-payment, by his Government, of the first instalment under the late treaty with France, when payment thereof was demanded at Paris, on the 23d day of March last.

At the close of the interview, it was understood to be mutually agreeable to M. Serurier and the undersigned, that their observations on that occasion should be treated as informal; and that, for the purposes of their respective official duties, the purport of M. Serurier's explanations should be presented in an official note, in answer to an inquiry from the undersigned in a similar form.

It is understood by the Government of the United States that, at the time of presenting the demand at Paris by the agent of the United States, payment was declined by the French Minister of Finance, on the ground that no money had been then appropriated, and placed at the disposal of the Minister of Finance, for that purpose.

In conformity, therefore, with the understanding already alluded to, the undersigned has now the honor to inquire of M. Serurier whether he has received any information from his Government which will enable him satisfactorily to explain the delay, upon the part of the Government of France, to make seasonable provision for the payment to the United States of the first instalment under the late convention, and which became payable on the 2d day of February last.

The undersigned avails himself of this occasion to tender to M. Serurier the assurance of his high consideration.

L. McLANE.

M. Serurier, &c.

M. Serurier to Mr. McLane.

[translation.]

Washington, *May* 19, 1833.

The undersigned, envoy extraordinary and minister plenipotentiary of France, near the United States of America, has received the note, dated yesterday, with which the Secretary of State, *ad interim*, honored him, and he willingly complies with the desire expressed to him by Mr. McLane, that the King's minister would repeat to him in writing the explanations which he had offered *viva voce* on the day before yesterday, in consequence of information received from his Government relative to the non-payment of the bill drawn here by the Secretary of the Treasury on the Minister of Finance of France, for the amount of the first instalment of the sum stipulated to be paid as indemnification to certain citizens of the United States, by the terms of the treaty of July 4, 1831; which bill, Mr. Niles observes, could not be paid by that minister, as the necessary funds had not been appropriated by the Chambers.

The undersigned has, therefore, in consequence of the request of the Secretary of State, the honor to repeat what the Minister of Foreign Affairs has communicated to him—that the King's Government learned, with as much astonishment as regret, that the Government of the United States had, on this occasion, deviated from the rules and customs generally observed towards each other by Governments in such transactions, and particularly insisted on, hitherto, by the United States. The second article of the treaty declares that "the sum of twenty-five millions of francs, above stipulated, shall be paid into the hands of such person or persons as shall be authorized by the Government of the United States to receive it." The King's Government had, therefore, reason to expect that the President of the United States would appoint some one to confer with it on the subject, and to receive payment—the method usually adopted in such cases, and one certainly preferable in every way to that of a bill, which is suitable more especially to banking and commercial transactions. Had such agents been appointed, the intentions of the United States Government would have been better fulfilled, and the late occurrence, which is at variance with the wishes of both nations, would have been prevented. The Cabinet at Washington, being well acquainted with the present system of government of France, must be aware that although that system is monarchical, it is likewise constitutional; and that the financial clauses of a treaty cannot be carried into effect in France, any more than in the United States, without the authorization of the Legislative Chambers. Such being the disposition of the public law of France, it was quite possible that the execution of the treaty might meet with some obstacle, or suffer some delay. This should have been a powerful consideration with the American Government, in addition to its being the natural interpretation of the second article of the treaty, for charging some one specially near the Government of France to attend to the matter, receive payment as due, and give receipts. When the Secretary of the Treasury, in February last, asked the undersigned for information relative to the plan which he then seemed disposed to adopt, of drawing a bill directly on the French Treasury, payable at a certain day, and inquired of him the name of the French Minister of Finance, the King's minister sent M. Pageot, charging him to remonstrate seriously against this project, when he gave him the name of the minister, and to dissuade Mr. McLane from it. The undersigned yesterday reminded the Secretary of State of this circumstance, which appears to have left upon his memory an impression very different from that preserved in the memories of the King's minister and of his secretary of legation. This circumstance adds another regret to the many arising from this affair. With regard to the explanations requested by the Secretary of State, as to the delay of the French Legislature in giving its sanction to the financial clauses of the convention, the Duc de Broglie observes to the undersigned that it must be well known at Washington how much management (*menagement*) is necessary in a representative Government, and how many parliamentary difficulties are to be met with, especially when a treaty is in question, which, on account of the obligations it imposes on the country, has against it strong prejudices in the Chambers, and public opinion without. The Minister of Foreign Affairs adds, that this delay has been entirely unavoidable, (*independant de sa volonte;*) that he will, in a few days, submit to the Chambers a bill on the subject; and that he will do all that could be expected, from the known loyalty of the King's Government, to effect its passage as speedily as possible, and to abridge a delay which he has only been able to regret. The undersigned hopes that, by this very time of writing, the Chambers will have placed the necessary funds at the disposal of the Government, and that every difficulty respecting the entire execution of the treaty will have vanished. M. Serurier will instantly communicate to Mr. McLane any further information he may receive on the subject.

The undersigned has the honor to offer the Secretary of State the assurance of his high consideration.

SERURIER.

To the Hon. Louis McLane,
Secretary of State.

Mr. McLane to M. Serurier.

Department of State,
Washington, June 3, 1833.

The note of M. Serurier, envoy extraordinary and minister plenipotentiary of his Majesty the King of the French, of the 19th ultimo, addressed to the acting Secretary of State, was duly received, and has been submitted to the President by the undersigned, Secretary of State.

The undersigned has now the honor to state that great regret is felt by the President at the unsatisfactory tenor of M. Serurier's note; and the undersigned deems it his duty to add that, in those parts which have no direct relation to the inquiry to which that communication purports to be the answer, it affords cause not only of regret but of surprise.

The especial, and, indeed, the only object of the note of the acting Secretary of State to M. Serurier, of the 18th ultimo, was to inquire whether M. Serurier had received any information from his Government which would enable him satisfactorily to explain the delay, on the part of the Government of France, to make seasonable provision for payment to the United States of the first instalment under the late convention, and which became payable on the 1st of February last.

So much of M. Serurier's answer as can properly relate to this inquiry may be comprehended in his observations "that the Cabinet at Washington must be well acquainted with the system of government of France; and that it must be aware that, although that system is monarchical, it is likewise constitutional; and that the financial clauses of a treaty cannot be carried into effect in France, any more than in the United States, until they have received the authorization of the Legislative Chambers; and that the French Legislature had not given as yet its sanction to the financial stipulations of the treaty. That the Duc de Broglie observes that it must be well known at Washington how much management is necessary in a representative Government, and how many parliamentary difficulties are to be met with when a treaty, which has strong prejudices against it, is in question; and that the Duke adds that this delay is unavoidable, but ere long he will submit to the Chambers a bill on the subject, and do all in his power to effect its passage as early as possible."

It may be hoped that the French minister will himself, upon reflection, perceive that these observations, so far from affording any satisfactory explanation of the delay on the part of the Government of France to make suitable provision for the payment of the first instalment, but faintly apply to the specific object of the inquiry.

The "Cabinet at Washington" may admit its acquaintance with the system of government of France, and also its knowledge that the financial clauses of a treaty cannot be carried into full effect without the authorization of the representative Chambers; and it moreover knew, as was intimated in the note from the undersigned to M. Serurier, that, up to the 23d of March last, no such authorization had been granted.

The Government of the United States, nevertheless, presumes it to be equally true that, whenever a treaty has been duly concluded and ratified by the acknowledged authorities, competent for that purpose, an obligation is thereby imposed upon each and every department of the Government to carry it into complete effect according to its terms, and that in the performance of this obligation consists the observance of good faith between nations.

Information having been received by the President that, on the presentation of the demand upon the French Government for the amount of the first instalment, by the person duly authorized by the American Government to receive it, nearly two months after it was payable, the necessary appropriation for its payment had not been made by the representative Chambers, M. Serurier was requested to explain the cause of the delay, and why these provisions required by the treaty had not been seasonably made. In answer to this, M. Serurier's observations regard rather the formalities which, by the system of government of France, are necessary to the faithful performance of its obligations, than any reason why those formalities had not been duly adopted.

It is true, however, that one reason why the authorization of the representative Chambers had not been granted in time, is to be inferred from the important fact disclosed in the note of M. Serurier, for the first time, that the Legislature of France had never been called upon for the authorization, or for their interference in any manner whatever. It would now appear, therefore, that, down to the latest intelligence received by M. Serurier, that department of his Government by which the treaty with the United States was concluded, and with which the ratifications had been exchanged, as early certainly as the month of April, 1832, had taken no step towards its execution, and, with a knowledge of its complete fulfilment on the part of the United States, had not invited from the Chambers that authority which was so necessary, and, as it appears, indispensable, to enable them to comply with the good faith of the Government of France.

By this admission, M. Serurier places the cause and responsibility of the delay, not upon the representative Chambers, but upon the Executive Department of the French Government, upon whom especially devolved the obligation of providing, or at least endeavoring to provide, the means of executing the treaty, and upon whom, especially, the Government of the United States could reasonably rely for those purposes. It would now appear that the demand of the United States was not paid, not so much because no appropriation had been made by the Legislature, but, in fact, because the Chambers had not been called upon to make it.

It being thus shown, by the note of M. Serurier, that the cause of the delay on the part of the Government of France in executing the treaty was with the department with whom it had been made, it was natural to expect that the explanations which it was understood M. Serurier had been instructed to make would be at once particular and explicit. The explanation given by him, however, is in general terms only, and states merely that "this delay is unavoidable;" but why it is unavoidable, no other reason is assigned than the presumption that "it must be known at Washington how much management is necessary in a representative Government, and how many parliamentary difficulties are to be met with, especially when a treaty is in question, which, on account of the obligations it imposes on the country, has against it strong prejudices in the country, and public opinion without."

The undersigned will not now attempt any remark upon the prejudices which are here stated to exist against a treaty deliberately concluded, which does no more than render tardy justice for injuries inflicted upon

American citizens, long and patiently borne, and finally but partially redressed, and for consideration promptly and fully executed upon the part of the United States. It is sufficient to observe, in this place, that mere prejudices should not be allowed to interfere to retard the execution of the convention by those with whom it was concluded.

The undersigned could not fail, however, without a neglect of duty, to assure M. Serurier that any species of management which, under any circumstances, may be supposed necessary in a representative Government to secure the adoption of measures essential to the performance of the national obligations, is altogether unknown at Washington; and, until they shall be more particularly pointed out and explained, the undersigned is unable to comprehend those parliamentary difficulties which are supposed to exist, when, in fact, it does not appear that any effort whatever had been made to invoke the parliamentary aid.

The obligation of his Majesty's ministers to apply to the Legislature for the means of fulfilling the stipulations entered into by the Government, is conceded in the note of M. Serurier, who observes that the Duc de Broglie will ere long submit to the Chambers a bill (projet de loi) on the subject, and will do all in his power to effect its passage as speedily as possible. This obligation, however, is not more imperative now than it was at the period anterior to the period when the instalment became payable.

The convention under which this instalment became payable was one of mutual concessions between the two Governments, and the ratifications were duly exchanged at Washington on the 2d February, 1832. Immediately thereafter, the President of the United States, on the 7th day of the same month, communicated this fact by his message to Congress, and requested the necessary means for the prompt execution of the treaty on the part of the United States; and in consequence of that message, and of the measures in pursuance thereof, the vessels and merchandise of France have, since the exchange of the ratifications, been entitled to, and have actually enjoyed, all the privileges secured to them by the convention.

When the intelligence of the exchange of the ratifications, and of the prompt measures of the Executive, reached Paris, the representative Chambers were in session, and, as it is understood, did not adjourn before the 21st April, 1832. They assembled again on the 19th November, and, at the date of the last accounts from Paris, had not been prorogued.

M. Serurier, therefore, will not fail to perceive that, if there be any causes which have rendered unavoidable the delay on the part of his Majesty's ministers to imitate the promptitude of the President, this Government may reasonably expect them to be specifically detailed and explained; and that M. Serurier having no means of doing so, it will become the duty of the President to ask them immediately from the French Government, and, with a proper reliance upon its justice, to do all in its power to repair any injury that may have resulted from the delay.

M. Serurier has also observed, "that the King's Government has learnt, with as much astonishment as regret, that the Government of the United States had, in this instance, deviated from the rules and customs generally observed towards each other by Governments in such transactions, and particularly insisted on, hitherto, by the United States; that, from the terms of the second article, the King's Government had every reason to expect that the President of the United States would appoint some one to confer with it on the subject, and to receive payment—the method usually adopted in such cases, and one certainly preferable, in every respect, to that of a bill, which is suitable more especially to banking and commercial transactions." And M. Serurier further observes, "that, had such agents been appointed, the intentions of the United States Government would have been better fulfilled, and the late occurrence, which is at variance with the wishes of both nations, would have been prevented."

If the introduction of these observations is not intended by M. Serurier further to explain the failure on the part of his Government to make reasonable provision for the payment of the instalment, the undersigned must be permitted to remark that the observations themselves are irrelevant both to the inquiry and to the subject, and can serve only to add to the disappointment which had already been occasioned.

It was to be expected of the Government of France, when it found itself not in a condition to comply with its stipulations in the treaty, for which it had already received the equivalent, that a disposition would have been manifested to mitigate, as far as was in its power, the consequences of its failure to the injured party, and M. Serurier could scarcely expect that a different course could be otherwise than painful to a Government which sincerely desires to cherish towards France the most friendly sentiments.

If, however, these observations be intended to excuse the failure on the part of France, they are not only unsatisfactory, but are also inconsistent with those which M. Serurier had previously stated to be the real reasons of the delay.

By the answer of the French Minister of Finance to the demand for payment by the person authorized by the American Government to receive the amount, payment was withheld, not because the person making it was the holder of a bill of exchange, or presented a defective power, but simply, and for that reason alone, that no money had been appropriated for that purpose; and it also appears, from the note of M. Serurier, that the want of such appropriation was in fact the only cause of the nonpayment. It may, therefore, fairly be presumed that, had the amount been asked for by the ministers, and appropriated by the Chambers, the money would have been paid to the person by whom it was demanded. This presumption, if indeed it required to be strengthened, is fully fortified by the assurance given M. Serurier, that, notwithstanding the bill of exchange, the Duc de Broglie "will ere long" present his *projet de loi*, and do all in his power to effect its passage.

The failure of the French Government to provide for the first instalment was complete on the 2d February last, and at no period since that day has it been in a situation to make payment; and as the bill of exchange was not in fact drawn at Washington until the 7th of that month, that circumstance could not possibly have had the slightest influence in producing the delay which had previously taken place.

M. Serurier is constrained to confess that the late occurence is at variance with the best wishes of both nations, and adds, that had such agents as those to which he alludes been appointed, the intentions of the United States Government would have been better fulfilled, and the late occurrence would have been prevented. The late occurrence, and the only occurrence to which the attention of M. Serurier was invited, is the nonpayment by France of the first instalment, upon the demand of the person authorized by the American Government to receive it. It has already been shown that the authority employed on the present occasion could have had no influence in producing this "occurrence;" and it is not perceived either how the intentions of the United States would have been better fulfilled, or how this "occurrence" could have been prevented by the employment of any other agent, since it is confessed that the French Government were not prepared to pay in any form, or to any agent by whom the instalment might have been demanded.

From the terms in which M. Serurier has been instructed to object to this proceeding by the United States, it may be proper for the undersigned to observe that neither the right nor propriety of accompanying the demand of the person having the express authority of the President, by a bill of exchange from the Secretary of the Treasury, can be in any manner questioned,

The treaty stipulated for the payment to the United States, in behalf of its citizens, of a specific sum, and at specific periods; and declared that such sums should be paid in six annual instalments of 4,166,666 francs 66 centimes each, "into the hands of such person or persons as shall be authorized by the Government of the United States to receive it; and that the first instalment shall be paid at the expiration of one year next following the exchange of the ratifications of the convention." Any and every mode of receiving payment, usual or convenient in pecuniary transactions, is comprehended by these terms of the treaty. The right of the United States is to receive, and the obligation of France to pay to any person or persons who may be authorized to receive. If, by referring to the "rules and customs generally observed towards each other by Governments," M. Serurier means the interposition of diplomatic agencies only, it is evident that the terms of the treaty, in embracing any person, and more persons than one, exclude the idea of any particular diplomatic agency, and devolve the exclusive selection upon the pleasure of the United States. The payment was to be made at Paris, and nothing more was agreed than that it should be demanded at Paris by some person or persons authorized to receive it there. For this purpose it would have been competent, unquestionably, to authorize any one or more of the bankers or commercial agents in Paris to receive it, and the Government of France had no other concern than to see that the person demanding, whoever he might be, was authorized to receive. On what grounds had the French Government any reason to expect that the President of the United States would appoint some one to confer with it on the subject? For what purpose was any conference necessary? The amount to be paid, and the time of payment, were both stipulated; and the only matter which remained to be transacted was the simple act of paying on the one hand, and of receiving on the other; for this no person, certainly, could be so competent or appropriate an agent as he who was duly authorized to receive.

It may be asserted, without fear of contradiction, that, in conferring upon the United States the unlimited right of receiving payment through any person or persons whom it might please to authorize for that purpose, the Government of France conceded to them the option of selecting the mode most convenient to their own interests and to those of their citizens. As, however, the amount granted by the United States to the citizens of France was payable in Paris, and consequently without charge or deduction of any kind, and as the citizens of the United States were to receive theirs also at Paris, whence it was to be remitted to the United States at their risk, it was reasonable to be expected that the Government of France would not only desire, but, by all means in its power, facilitate that mode of payment by which the citizens of the United States would be saved as well the risk as the charges and commission of remittance.

It may be well supposed that on this ground, among others, the mode in which it should receive payment was left entirely to the selection of the United States; and the undersigned takes leave to affirm that the Government of France had no proper reason to expect that the United States would give any other authority to receive than that which, according to the terms and the spirit of the treaty, afforded the best security; and which was neither disrespectful to France, nor unusual among nations in their conventions with each other.

It will be admitted that, to receive this money through the medium of a bill of exchange, accompanied by the proper authority from the Government of the United States, was not only convenient to both Governments, but was, at the same time, attended with less risk and expense to that of the United States than any other; indeed, that it could be attended with no risk, whatever, but that of the Government of France being unprepared to make payment, and which it would have been neither proper nor respectful in the United States to have anticipated.

M. Serurier has remarked that "the United States have, in this instance, deviated from the rules and customs generally observed towards each other by Governments in such transactions, and particularly insisted on, hitherto, by the United States." M. Serurier has not thought proper to point out the instances in which the United States have hitherto insisted upon rules and customs different from those observed on the present occasion; and as the undersigned is not aware that the assumption is warranted by any past conduct of the United States, in instances analogous to the present, any further answer is here deemed unnecessary.

The rules and customs generally observed by Governments towards each other, in transactions such as the present, are supposed to be regulated by the terms of the convention under which the transactions arise; and, in all cases of national compact, the rights and duties of the parties must be ascertained by the terms they themselves have employed, and by the stipulations into which they have entered.

It has been already remarked that, where, by the express terms of a treaty, the mode of receiving payment of money to be paid is submitted without limitation to the party entitled to receive, he alone can make the designation; and it is equally true that those modes which Governments may and often do adopt, by express stipulation, cannot only not be deemed contrary to the rules and customs generally observed, but may be properly resorted to under a treaty which, by excluding no particular mode, fairly embraces every one which is appropriate to such transactions between nations, and convenient to the party entitled to receive.

Keeping these observations in view, M. Serurier will discover that, in pecuniary transactions between Governments, in which the payment of money from one to the other, in behalf of individual citizens, is stipulated by the treaty, the interposition of bankers, or of other commercial agents, and even of bills of exchange, independently of diplomatic forms, is not only not uncommon, but usual.

It may be sufficient for the present purpose to refer to a few instances only; and, first, to the convention between the United States and the French Republic of the 30th April, 1803, in which the transfer of stock from the United States to the French Government, thereby created, was agreed to be made to the Government of France, or to such person or persons as shall be authorized to receive it, and in which the agency of those bankers to whom the Government of France disposed of its rights was interposed to receive it. In the present instance, nothing more can be pretended than that the United States, by bill of exchange, disposed of its rights, for the purpose of safely transmitting the amount to their country, to the Bank of the United States, expressly established by law for the purpose of aiding in the collection and transmission of the public moneys.

Secondly. To another convention between the same Governments, of the same date, by which it was stipulated that the principal and interest of the debt due by the United States to certain citizens of France should be discharged by orders drawn by the American minister at Paris on the Treasury of the United States. These orders were, in fact, bills of exchange, and were liable in their transit to the Treasury to pass through a number of persons by endorsement at the pleasure of the holders.

Reference may also be made to the convention between the United States and Great Britain, of the 8th of January, 1802, by which the money the United States were liable to pay in pursuance of the treaty of the 19th November, 1794, was agreed to be paid at Washington, and to such person or persons as shall be authorized by his Britannic Majesty to receive same; and these payments, in many instances, passed through the hands of bankers and commercial agents, and without objection on that account.

At a still more recent period, and in the convention of the 28th of March, 1830, with Denmark, by which that Government granted indemnity to the United States for losses sustained by their citizens from causes similar to those for which it was the object of the late convention with France to provide, it was expressly agreed that the sums thereby granted should be paid in bills of exchange at fifteen days' sight, at Hamburg, for the payment of which the Danish Government shall be responsible.

It is therefore apparent that the terms of the late convention with France were intended to be more favorable to the United States than were those of the treaty of Denmark, since they not only comprehended the mode therein specially pointed out, but any other that should be found more convenient to the United States.

M. Serurier, however, appears not to have observed that the objection he has taken to a bill of exchange, if indeed it could be in any case well founded, is not applicable to the recent demand of the United States for the payment of the first instalment.

By the act of the Congress of the United States, passed the 13th of July, 1832, to carry into effect the convention between the United States and France, it was expressly declared to be the duty of the Secretary of the Treasury to cause the several instalments, with the interest thereon, payable to the United States in virtue of the said convention, to be received from the French Government, and transferred to the United States in such manner as he may deem best.

The plain and imperative duty of the Secretary of the Treasury, under the law, was to transfer the amount of the instalment to the United States Treasury, when due, at as small risk and expense as practicable, and in the manner best calculated in his judgment to effect this purpose. This object was promptly accomplished by the simple operation of a bill of exchange, which can be viewed in no other light than as a transaction between the Treasury and the holder of the bill, for their mutual accommodation. For this purpose, the authority of the Government was complete by the act of Congress; and any person demanding the amount, being at the same time the holder of the bill, would have made his demand under the act of Congress, and the authority of the President which accompanied it. For this purpose, the holder of the bill had also an express authority from the President of the United States, under the seal of the United States, to receive the amount from the French Government; and payment to him, therefore, or to his assignee, having the same authority, would have been strictly within the terms of the treaty.

It is certainly true that no ground of objection could possibly have been anticipated to this mode of receiving the money, without the interference of any diplomatic agency or conference; but that every possible comity should be observed towards the Government of France, the charge d'affaires of the United States at Paris was immediately advised of the mode which the United States had adopted for transferring the amount of the instalment to the United States, and he was directed to take an early opportunity to apprize the French Government of this arrangement.

It is to be presumed that the officer promptly complied with these instructions; and it is therefore clear, even if the observation of M. Serurier were well founded, that the Government of the United States not only appointed an agent to confer with the French Government upon the subject, but that it constituted that agent in the person of its regular diplomatic representative accredited by the Court of France.

Under such circumstances, it is not at all extraordinary that the explanations which M. Serurier has been instructed to offer should be considered unsatisfactory; and that the President will deem it his duty to present the whole subject, in all its bearings, immediately to the French Government, through the minister whom he has appointed to that Court, and in the full confidence that it will be treated with that spirit of amity which should prevail between the two countries, and with that disposition to do justice which becomes the high character of the Government of France.

In closing this communication the undersigned will not repress his regret at the statement of M. Serurier's letter, that, in February last, he had "sent Mr. Pageot to the Secretary of the Treasury to remonstrate seriously against this project, when he gave him the name of the minister, and to do all in his power to dissuade Mr. McLane from it."

The recollections of the undersigned differ altogether from those stated by M. Serurier to be "preserved in the memories of himself and of his first secretary of legation."

M. Serurier will not fail to remember that, previous to drawing the bill, the undersigned, then Secretary of the Treasury, addressed to the French minister an official note, explaining his intention, and requesting to be informed of the name and style of the French Minister of Finance, that the bill might be drawn without the possibility of mistake.

If, at that time, M. Serurier had attached to this mode of receiving payment the importance which it is now attempted to give it, it might have been expected that he would have stated formally his objections, and, above all, have hinted, if, indeed, he could have apprehended such an event, a doubt that funds would be provided in time to meet the demand.

Instead of doing either, however, M. Serurier sent his first secretary of legation, not, according to the understanding of the undersigned, to dissuade the Secretary of the Treasury from drawing the bill, but simply to acquaint him that M. Serurier had no authority from his Government to interfere in the payment of the instalment. On learning, however, that M. Serurier's particular interference was not desired, and that he was requested only to furnish the name of the Minister of Finance, the first secretary of legation, after leaving the Department for the purpose of making this known to M. Serurier, returned and furnished all that had been requested.

But whether the recollections of the one or the other be more accurate, the undersigned is not to be understood as admitting that the objections of M. Serurier to the mode of receiving payment resorted to by the United States, unless they had been of greater force than those now urged, and presented in a more formal manner, would have dissuaded the undersigned from the discharge of his duty under the act of Congress, in that mode which, according to his judgment, was not only most advantageous to his Government and countrymen, but fully authorized by the obvious spirit and terms of the treaty.

The undersigned avails himself of this occasion to renew to M. Serurier the assurance of his high consideration.

LOUIS McLANE.

M. Serurier to the Secretary of State.

[TRANSLATION.]

WASHINGTON, *June* 9, 1833.

SIR: I have received the new note which you did me the honor to address to me, dated the 3d of this month. It is of such a nature that I consider it my duty to transmit it to my Government and wait for its orders. Immediate attention will doubtless be paid to it. The Duc de Broglie will also take into consideration the communications which he may receive from Mr. Livingston, the new minister of the Republic; and I, sir, will hasten to submit to you the answer which I may be authorized to make.

Justice and amity, sir, have regulated the conduct of the King's Government throughout the negotiation, and the signing of the last convention of indemnification; and there can be no doubt of its ardent desire to carry it into execution as speedily as possible. As it had engaged to pay the interest from the 2d February, 1832, it had reason to suppose that any delay in the appropriation of funds, which might be caused by circumstances independent of its will, would not be considered of any real importance. France, sir, never acts with duplicity, (ne connait pas les arrières pensées,) and if its Government had judged that it did not owe you at least a part of the indemnification demanded for your citizens, you would have been told so with all that frankness which becomes it in its words and acts. It has no need, nor is it in the habit of dissembling its sentiments, and the United States know what have been the sentiments of which France has given proof at all times.

I will now, sir, confine myself to rectify two points in the new note which I have received from you. The word "*menagemens,*" which, in my letter, bore evidently the meaning of circumspection, or prudence, is, in your note, translated by "management," to which it is evident you attach in English a different and a wider signification, as appears from your frequent recurrence to the word in your note. I have thought it proper to set that matter in its true light.

I have the honor of presenting to you, sir, the assurance of my most distinguished consideration.

SERURIER.

The Hon. Mr. McLANE, &c.

Mr. McLane to M. Serurier.

DEPARTMENT OF STATE,
Washington, June 17, 1833.

The undersigned, Secretary of State of the United States, having returned to the seat of Government, from a short absence, has the honor to acknowledge the receipt of the note of M. Serurier, envoy extraordinary and minister plenipotentiary of his Majesty the King of the French, dated on the 10th instant.

M. Serurier having referred to his Government the note of the undersigned, and Mr. Livingston being also charged to confer with the French ministry on the subject, the undersigned, with a confident reliance upon its disposition to do all that can justly be expected of it, awaits its further action in the matter. He deems it unnecessary, therefore, on this occasion, to do more than express his entire concurrence with M. Serurier as to the absence of "*les arrières pensées*" in the conduct of France, and as to the sentiments which animate the Government of that country towards the United States; and he prays M. Serurier to be assured that it will always afford the undersigned pleasure to contribute to the maintenance of friendship between the two countries.

In regard to the explanation which M. Serurier has been pleased to offer as to the word "*menagemens,*" used by him, the undersigned, while he regrets if he has given it a different or a wider signification than was intended, trusts the tenor of his note will have satisfied M. Serurier that nothing derogatory to the French ministry was understood by it.

The undersigned takes this occasion to renew to M. Serurier the assurance of his high consideration.

LOUIS McLANE.

M. SERURIER, &c.

M. Serurier to the Secretary of State.

[TRANSLATION.]

WASHINGTON, *August* 31, 1833.

The undersigned has received orders from the Government of his Majesty the King of the French to make the following reply to the note addressed to him on the 3d of June last, relative to the delay which has taken place in the execution of the treaty of July 4, 1831.

The King's Government considers it due to itself, as well as to the common interest on which the relations between the two countries repose, not to allow itself to be led, by certain passages in Mr. McLane's note, to give to its explanations the character of a controversy, bitter, and even in a degree personal, but little conformable with the maintenance of amicable relations, or likely to bring forth the truth, in a case which is otherwise so plain, and so easy to be settled.

The Secretary of State, rendering homage to this fundamental principle of constitutional right, acknowledges that the treaty of July 4, 1831, cannot be carried into execution, in its financial arrangements, until the concurrence and sanction of the legislative body has been obtained, and is only astonished at the delay of that sanction. He will now cease to be surprised at this delay, and it may even be expected that he will admit the justness of the motives which actuate the King's Government, when it has been demonstrated to him that they are founded on a sincere desire to ensure the strict and faithful execution of the treaty.

It is easy to conceive that, at Washington, Congress should have made no difficulty in sanctioning an arrangement so eminently advantageous to the citizens of the United States, and that the Federal Government should have hastened to obtain this sanction. But in France the case is different: prejudices, unreasonable without doubt, yet, from their very nature, calculated to exercise a disagreeable influence on the public, have been openly manifested against the validity of the American claims; and the King's Government, under the conviction that justice absolutely prescribed that a partial concurrence should be obtained, (*accueillir,*) was yet far from expecting unanimity of the public opinion on the subject: it was the more under the necessity of taking these prejudices into account, as they had found their way into the Chambers, where it is well known that the treaty of July 4, 1831, would most probably meet with a very strong opposition. Good faith, therefore, made it a paramount duty first to enlighten the public mind, and thus prepare the way for an impartial discussion: and the King's Government might, indeed, have been fairly taxed with carelessness, had it, under such a state of things, at once called on the Legislature for its assent to the execution of the treaty.

Indeed, such a mode of proceeding would have been the most certain way of endangering the entire accomplishment of the business, and could only have been adopted by a Government less anxious to secure it. The plan pursued by the King's Government attests the loyalty of its intentions. The treaty was submitted to the Chamber of Deputies, and an appropriation was asked, as soon as the period had arrived which was considered opportune: and the preliminary communications made for this purpose, on two different occasions, offer a sufficient answer to the reproach of not having given the Chambers an opportunity of determining upon the convention. If the legislative body, after having taken up the subject, has not yet decided, it would be neither just to accuse the King's Government of it, nor reasonable to impute to it the responsibilty of the consequences of the nonpayment of the bills which the Secretary of the United States Treasury caused to be presented to the Minister of Finance of France. Without entering into an examination of such a mode of proceeding, the King's Government will merely express its regret that, instead of drawing bills payable by a certain day, when the period of the conclusion of the affair could not be exactly determined, the person charged with receiving the first instalment of the sum stipulated in the treaty had not been ordered to withhold the demand for payment until he was assured that the Treasury of France was also constitutionally authorized to meet said demand. The latter method would have been much more appropriate to the nature of the case, and, it may also be added, more conformable with the custom observed on such occasion between Governments; it would likewise have prevented the unfortunate incident which occurred. Moreover, it may be remarked that the urgency of such a measure is the less apparent, when it is considered that the citizens of the United States, whose losses are to be repaired by the treaty of July 4, 1831, will suffer no inconvenience from the delay which has taken place in the execution of that treaty, since, in the first place, it is stipulated that the interest shall be paid on the instalments due, and on those remaining; and, secondly, the liquidation of the American claims is scarcely completed at Washington. After this sincere exposition of the question, the King's Government flatters itself that the Government of the United States will do it the justice to avow that every thing has been done relating to the engagements of the treaty which depended on it; and that the Secretary of State, in particular, will acknowledge that, if the King's Government had attached less importance to the satisfactory conclusion of an affair, which it desires as ardently as the United States can, it would have adopted a course entirely the opposite to that which it has been thought proper to blame.

The minister of France seizes this opportunity of renewing to the Secretary of State the assurances of his high consideration.

SERURIER.

Hon. Louis McLane, &c.

Mr. McLane to M. Serurier.

Department of State,
Washington, September 5, 1833.

Sir: I have had the honor to receive your note of the 31st ult., communicating, conformably to orders from your Government, a reply to my note to you of the 3d June last, relative to the delay which has taken place in the execution of the treaty of the 4th July, 1831, and have communicated it to the President.

It is obvious that the force of the observations presented in my note of the 3d June is in no degree impaired by the reply which, under the orders of your Government, you have made. Indeed, you must be sensible that this reply is in fact little more than a reiteration, in general terms, of the remarks contained in your communication of the 19th of May last, and which was the subject of the particular expression in my note of the 3d of June.

This circumstance, taken in connexion with the subsequent acts of your Government, by which the confident hopes expressed in your note of the 19th of May have been disappointed, affords fresh cause of regret.

The disappointment naturally felt by the President is greatly increased by a knowledge of the proceedings of the French Government in executing the stipulations for the guaranty of the Greek loan, which in express terms required the interposition of the Chambers, while they acquiesced in the postponement of their measures for the execution of the treaty with the United States, which, in its terms, and under the principles maintained by the Minister of Foreign Affairs in the discussion of the Greek guaranty, did not, according to the spirit of the French charter, admit of such deliberation.

These, and other matters connected with this transaction, have been fully considered by the President, and if, in his opinion, it were proper at the present time to pursue the discussion, would be fruitful of just complaint and apt observation.

Having, however, in my note of the 3d of June, informed you that the President had determined to present the whole subject, in all its bearings, to the French Government, for the proper explanation through the minister we had appointed to that Court, and that minister being fully instructed upon all those points, and upon others of a subsequent date, it is deemed unnecessary to enlarge upon the subject in our discussions.

It becomes my duty, therefore, to inform you that the President will wait for such communications as he has reason to expect from our minister to France, and will afterwards decide upon the course proper to be pursued.

I may be excused, however, before closing this letter, for briefly adverting to one remark in the reply which you have been instructed to make, and which would seem to infer, from my note of the 3d June, an acknowledgment further than the terms of that note authorize —that, by the fundamental principle of constitutional right, the treaty with the United States cannot be carried into execution, in its financial arrangements, until the concurrence of the legislative body has been obtained.

That acknowledgment admitted only the necessity, in case of a treaty stipulating the payment of money, of resorting to the Chambers for the means of payment; but my note asserted at the same time, not only the obligation of the King's ministers seasonably to apply for such means, but also the obligation on the part of the Legislature promptly to comply with the stipulation of the treaty. The position thus asserted is believed to be abundantly sustained by the particular structure of the constitutional charter of France, which expressly vests in the King exclusive power of making treaties of peace, alliance, and commerce, and in no part of it confers upon the Legislature either the direct power of appropriation of money, or that for the regulation of commerce. In these respects you will not fail to perceive a striking difference between the frame of government of the United States, to which allusion has been made, and that which is contained in the charter of France.

I certainly never intended to acknowledge that the Legislature of France can have a direct control on the validity or invalidity of a treaty constitutionally made by the King. The execution of such a treaty may be prevented, but its validity, as a contract legally binding the faith of the nation, cannot be affected by the Legislature. A treaty receives its character and constitutional efficacy and obligation from the King; and should the Legislature prevent its fulfilment or execution, it could only be done by a violation of the public faith.

The Minister of Foreign Affairs himself appears to have taken the same view of the subject in his remarks in the discussion of the *projet de loi* in the case of the Greek loan. On that occasion he is understood to have said, "a treaty exists. This treaty has been concluded by the Executive power, to which the constitution has exclusively reserved the right of concluding treaties. The treaty is itself finished; it binds all parties." And, in the case of the same treaty, on a motion to postpone the subject to a future day, he is understood to have said that "the Chamber cannot refuse to deliberate upon a *projet de loi*, which has been presented to it. The Government is morally engaged to keep its contracts; it therefore insists that the Chambers should deliberate;" a principle which it was not deemed advisable to insist upon in the discussion of the *projet de loi* for the execution of the treaty with the United States.

It is not my intention, however, sir, to prolong this discussion at present; and my observations upon this point have been made merely to prevent any erroneous interpretation of the admission to which you have adverted in my reply of the 3d June.

I avail myself, &c.

L. McLANE.

M. Serurier, *Envoy Extraordinary and Minister Plenipotentiary of his Majesty, &c.*

M. Serurier to the Secretary of State.

[translation.]

Washington, *September* 10, 1833.

Sir: I received the official letter with which you honored me on the 5th instant, and shall transmit it to my Government by the packet next sailing for France. I had flattered myself, sir, that the communication which it gave me so much pleasure to make on a late occasion, relative to the true causes of the delay in the execution of the treaty of indemnification, together with the sincere and loyal expressions of the King's Government, as conveyed to you by me, had produced entire conviction in your mind, when we had a conference on this subject a fortnight ago. I am grieved to learn that I was mistaken. As you have informed me, sir, the departure of the new minister of the Republic for Paris naturally and almost exclusively transports thither the whole negotiation, I have, therefore, merely to transmit to the Duc de Broglie the new communications which I may receive from you.

I must, however, follow your example, sir, by adding a few words to this acknowledgment of your letter, in order to prevent you from misconstruing my silence, or considering it as an acquiescence, even for a moment, in certain facts and doctrines set forth in your letter. To this I ought and shall confine my present reply, which will be as concise as possible.

The argument in a part of your letter, sir, appears intended to establish that the Duc de Broglie had professed at the tribune of the Chamber of Deputies opinions in favor of the royal prerogative, with regard to treaties, when applied to the case of the Greek loan, which he had afterwards abandoned in the discussion of the bill for carrying into effect the treaty of indemnification with the United States. Facts, sir, are, as far as I can see, at variance with your assertion. Your error in this respect arises, I apprehend, from the inaccuracy with which the words of M. de Broglie have been reported to you. I have now before me the report of the meeting at which the Greek loan was debated, and, if correct, as I have every reason to consider it, it contains nothing which should authorize this supposition. The Duc de Broglie did indeed say, as you repeat, that the Greek treaty was complete, and concluded as far as concerned the Government, and that it bound the contracting parties so far, be it understood, on our side, as a constitutional State, as depended upon his Majesty's Government. He likewise, I acknowledge, on the occasion of an amendment proposed to this bill in the Chamber of Deputies, reminded that body that, according to the charter, it had no faculty to amend a treaty, and that it could only grant or refuse the means of executing it. But the Minister of Foreign Affairs could not and did not say to the Chamber that it was obliged to vote conformably with the bill; nor did he say any thing in the case of the American treaty contrary to what he had advanced in that of the Greek loan. The words on both occasions applied equally to the two treaties, and to all others, implying an appropriation as necessary, and you know, sir, as well as I do, why the minister did not insist on a late occasion that the Chamber should debate finally on the treaty of indemnification.

You go further, sir, in another paragraph of your letter, and declare that you could never recognise in the French Legislature a direct and effective control on the validity or invalidity of a treaty constitutionally made by the King; and you pronounce, without hesitation, that if the Chamber should place an obstacle in the way of its accomplishment or execution, it could only be done by violation of the public faith. I protest formally, sir, against so absolute an enunciation of the duties imposed on the French Legislature. The Chamber of Deputies of the kingdom of France would doubtless be much astonished, at least, to learn that a foreign Government, and moreover a representative Government, should thus pretend to trace out inflexibly the line of its constitutional duties, and place it in the inevitable alternative either to grant the required funds, whatever might be its own conviction, or to violate the public faith. These, sir, are not the doctrines of France, nor of its Government; and I flatter myself that you will agree with me in the propriety of leaving it to the King's Government, and to our great National Council, the two Chambers, to determine finally (*juger souverainement*) on the spirit as well as the letter of our constitution and our laws, and to interpret, in questions involving our foreign relations, all obscure points, according to their own powers of reasoning, their own conscience, and that spirit of mild justice towards all, and more especially towards friendly nations, which the French Government has never perhaps displayed to a greater extent than in the negotiation of the treaty which will be submitted by it again to our Legislature at its next session.

The official letter with which you have honored me will, in all probability, sir, be subjected to an examination by the Duc de Broglie and the new minister of the Republic, more minute and more decisive than it is proper for me to make at present; still, I could not, as I conceive, with propriety, withhold these observations.

I seize this opportunity, sir, of assuring you again of my high consideration.

SERURIER.

To the Hon. Louis McLane,
Secretary of State of the U. S.

M. Serurier to the Secretary of State.—Extract.

[translation.]

Washington, *December* 7, 1833.

Sir: A violent headache prevents me from visiting the Department of State this morning, as I had intended. I was much surprised yesterday evening, when you informed me that the Duc de Broglie had written a despatch to me subsequently to that of September 30th, the last I have received from him, and that a copy had been sent by him to Mr. Livingston. I have received no such despatch, and you would much oblige me by sending me your copy, if convenient, which I would return as soon as I had perused it.

* * * * * *

The Secretary of State to M. Serurier.—Extract.

Department of State,
Washington, Dec. 7, 1833.

Sir: I have had the honor to receive your note of this day, and regret the indisposition which deprives me of the pleasure of seeing you.

Conformably with your request, I enclose a transcript of the copy of the despatch which the Duc de Broglie informed Mr. Livingston he had written to you. This transcript has been made under the impression that it would be agreeable to you to retain it.

[Enclosure.]

The Duc de Broglie to M. Serurier.

[translation.]

Dept. of For. Aff., Political Direction,
Paris, October 12, 1833.

Sir: I have already communicated to you my first conferences with Mr. Livingston, on the important question of the American claims. That minister had addressed a desire that the King's Government should, if possible, hasten the convocation of the Chambers. I replied that, from reasons which it was easy to discover, (*concevoir*, conceive,) we could make no formal engagement on the subject, but that the King's Government would willingly and without hesitation promise to direct the deliberations of the Chambers to the *projet de loi* relative to the execution of the convention of July 4, 1831, on the day after the Chamber is constituted (*constituee*) and to employ every means to secure the happy conclusion of an affair the final determination of which the United States cannot desire more ardently than ourselves. I entertain the hope that these wishes will be fulfilled; and the American Government ought to be convinced of our eager desire (*empressement*) to carry into effect the stipulations of the treaty as soon as they shall have received the legislative sanction. You will, sir, have the kindness to communicate this despatch to the Secretary of State of the United States. I flatter myself that he will find in it new motives (*motifs*, reasons,) for confiding in the justice of our intentions, and in the frankness of the amicable explanations which you have already been charged with making to him.

Receive, sir, the assurance of my high consideration.

V. BROGLIE.

M. Serurier to Mr. McLane.

[translation.]

Washington, *June* 5, 1834.

Sir: I received, on the evening of the day before yesterday, the despatch which my Government has transmitted to me, by the French brig *le Cuirassier*, in consequence of the unexpected rejection, by the Chamber of Deputies, of the law for granting to the King's ministers the funds necessary for the execution of the treaty of indemnification of July 4, 1831. I hastened to communicate to you, on the day after, the sincere regrets, the explanations, and the ulterior views of his Majesty's Government on this subject, with the cordiality which has prevailed throughout this negotiation. You expressed to me, on the part of the President, and from causes arising from the necessities of your Government, the desire that I should give to these explanations a written and official form, and I take pleasure in complying with that wish. As the organ of a Government which seeks rather than fears publicity, I am ready to repeat, in writing, those communications which I made *viva voce*. With such frankness, indeed, should affairs be conducted between the two great nations which we have the honor to serve.

The King's Government, sir, still adheres invariably to the treaty concluded between the two Governments; first, because it has signed it, and also doubtless because it perseveres in believing it to be founded on right, on reason, and on the perfectly reciprocal interest of the two nations. The views and principles maintained, with respect to the treaty, in the speech of the Duc de Broglie, on the 31st of March, are the views and doctrines of the whole Cabinet.

In examining, sir, the report of the discussion which solemnly took place, on the subject of the treaty, in our Chamber of Deputies, you must have been convinced of the steady and enlightened firmness with which it was defended. However, the Chamber, making use of its constitutional power, and, moreover, from considerations of contested right, and simple scruples, as the most special guardian of the public fortune, but not from any sort of hostility towards the United States, refused, as appears by the debates, by a small majority, its consent to the financial execution of this treaty. The King's Government, sir, after this rejection, the object of so much painful disappointment to both Governments, has deliberated, and its unanimous determination has been to make an appeal from this first vote of the present Chamber to the next Chamber, and to appear before the new Legislature with its treaty and its bill in hand.

It flatters itself that the light already thrown upon this serious question, during these first debates, and the expression of the public wishes becoming each day more clear and distinct, and, finally, a more mature examination, will have, in the meantime, modified the minds of persons, and that its own conviction will become the conviction of the Chambers. The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that its persevering persuasion of the justice and of the mutual advantages of the treaty authorizes you to expect from it. Its intention, moreover, is to do all that our constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law.

Such, sir, are the sentiments, such the intentions, of his Majesty's Government. I think I may rely that, on its part, the Government of the Republic will avoid, with foreseeing solicitude, in this transitory state of things, all that might become a cause of fresh irritation between the two countries, compromit the treaty, and raise up an obstacle, perhaps insurmountable, to the views of reconciliation and harmony which animate the King's council.

I have the honor, sir, to renew to you the assurances of my high consideration.

SERURIER.

Hon. Mr. McLane,
Secretary of State, &c.

Mr. McLane to M. Serurier.

Department of State,
Washington, June 27, 1834.

The undersigned, Secretary of State of the United States, did not fail to lay before the President, at the earliest moment, the letter addressed to him by M. Serurier, envoy extraordinary and minister plenipotentiary of his Majesty the King of the French, on the 5th instant, relative to the rejection, by the Chamber of Deputies, of the law proposed by the King of the French for carrying into effect the financial stipulations of the convention between the United States and France, of the 4th July, 1831.

M. Serurier is aware of the painful surprise which that extraordinary proceeding of the Chamber, which had previously been made known by Mr. Livingston, had produced in the President's mind, and of its tendency to weaken the just confidence of the Government and people of the United States in the engagements of the French Government, and to endanger, however intimately associated with ancient recollections, the relations between the two countries. The President is still unable to understand the causes which led to the result of the proceeding in the Chamber, especially when he recollects the assurances which had so often been made by the King and his ministers, of their earnest desire to carry the convention into effect, and the support which the Chamber had afforded in all the other measures proposed by the King. In this case, the expectations which the President was entitled to form, from the known good faith and love of justice of the French nation, were strengthened by the fact that the United States had promptly and fully carried into effect the stipulations favorable to France, while they had seen, with great forbearance, the injurious delays which had already taken place on the part of the French Government. His disappointment at the result was proportionably heightened, when it was perceived that the objections to the law before the French Chamber were founded principally upon the pecuniary amount stipulated to be paid by the Government of France, and when he reflected that it could not, in any event, be possible for him to contemplate any alteration in the terms of the convention, but that his duty to the Government and people of the United States, and his respect for the observance of treaties between nations, would at all times require him to insist upon the faithful execution of the existing compact.

The assurances which M. Serurier's letter contains, of the adherence of the King's Government to the treaty, of its unanimous determination to appeal from the decision of the present to the new Chamber, and its conviction that the public wish and a mature examination of the subject will lead to a favorable result, and its intention to make every constitutional effort to that effect, and, finally, its intention to do all that the constitution allows to hasten the presentation of the new law, have all been fully considered by the President.

Though fully sensible of the high responsibility which he owes to the American people, in a matter touching so nearly the national honor, the President, still trusting to the good faith and justice of France, willing to manifest a spirit of forbearance, so long as it may be consistent with the rights and dignity of his country, and truly desiring to preserve those relations of friendship which, commencing in our struggle for independence, form the true policy of both nations, and sincerely respecting the King's wishes, will rely upon the assurances which M. Serurier has been instructed to offer, and will therefore await with confidence the promised appeal to the new Chamber.

The President, in desiring the undersigned to request that his sentiments on this subject may be made known to his Majesty's Government has instructed him also to state his expectation that the King, seeing the great interests now involved in the subject, and the deep solicitude felt by the people of the United States respecting it, will enable him, when presenting the subject to Congress, as his duty will require him to do at the opening of their next session, to announce at that time the result of that appeal, and of his Majesty's efforts for its success.

The undersigned avails himself of the occasion to renew to M. Serurier the assurance of his distinguished consideration.

LOUIS McLANE.

M. Serurier, &c.

GOVERNMENT DIRECTORS—BANK U. S.

Treasury Department,
December 29, 1834.

Sir: In obedience to a resolution of the House of Representatives, passed on the 16th inst., requesting the Secretary of the Treasury "to communicate to this House any information he has received or can obtain concerning the official proceedings of the Government directors in the Bank of the United States," I have the honor to submit the enclosed correspondence, No. 1 to No. 4. It is believed to contain all which comes within the scope of the resolution.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

To the Hon. John Bell,
Speaker of the House of Representatives.

No. 1.

Washington, *Oct.* 14, 1834.

Gentlemen: The profits made on the stock held by the Government in the Bank of the United States constitute a portion of the public revenue. To perceive the operations of the entire revenue system of the United States, it is essential to the Executive to know what those profits are, and what deductions are made from them, and for what purposes, before they come into the Treasury. That I may be able to take a proper view of the subject of the public revenues in my communication to Congress, as well as the general administration of the Government, I request that you will report to me, with as little delay as possible, the gross profits made by the bank, of every description whatever, for each half year since the 1st of January, 1832, the deductions in detail made from these profits, and the disposition made of any surplus beyond the semi-annual dividends, and, if the nett profits have been less than the dividends, state how the deficiency has been made up.

The charges upon the profits of the bank are entered, it is presumed, chiefly, if not entirely, under the following heads, to wit:

Expense account.
Discount, exchange, and interest.
Foreign exchange account.
Profit and loss.
Contingent account.

I desire to obtain the items under each of these heads, and any others under which charges may have been made in detail, in sufficient detail to enable me to understand distinctly to whom and for what service the moneys have been paid. This part of your report I wish brought down as near to the present time as practicable.

It is presumed that no objections will be made to your inspecting and using the books of the bank for this purpose. Indeed, your right as directors to examine any book in the bank, without assigning to the officers or other directors any motive, is to my mind entirely clear, and I trust you will not yield to any thing short of actual force and constraint, your right to examine them for the purpose I now designate.

I am, gentlemen, with due respect, your most obedient servant,

ANDREW JACKSON.

Messrs. Edward D. Ingraham,
Charles Macalister, and others,
Government Directors U. S. Bank.

No. 2.

Philadelphia, *Oct.* 29. 1834.

Sir: On the 24th instant we informed the board of directors of the Bank of the United States that the Government directors were desirous to obtain information as to the gross profits, from every source, of the bank, for each half year since the 1st of January, 1832; the deductions in detail made from the profits; the disposition made of any surplus beyond the semi-annual dividends; and, if the nett profits had been less than the dividends, how such deficiencies had been made up; as also the charges upon the profits of the bank: that, for the purpose of obtaining this information, we should require the cashier to produce to us the books containing, 1st. The expense account; 2d. The books showing the discount, exchange, and interest accounts; 3d. The foreign exchange account; and 4th. The contingent account.

We stated at the same time to the board, that, inasmuch as we desired to do whatever we deemed matter of duty in such a way as not to be liable to the suspicion even of secrecy, the information, when obtained, would be laid before the President of the United States, from whom we had received a communication; but that no motion was made, and no action of the board desired upon what was stated; and that our application to the cashier would be in our character as directors of the institution.

We did not desire any order to be taken on this communication by the board, and none was taken; and, after its adjournment, we gave notice, verbally, to Mr. Samuel Jaudon, the cashier, that we should call at the bank the next day to commence our examination of the books. He requested us to inform him by note what books we wanted; and copies of our note to him, and his answer, accompany this letter.

To have waited until the board met, and to have suffered the question of our right to make the examination which we desired to be discussed or passed upon by it, would have been, in our opinion, an unqualified surrender of all our rights as directors.

We went to the bank on Monday last, and stated to the cashier that, as directors of the institution, we demanded of him the books of the bank, which were necessary to enable us to obtain the information which we sought. A compliance with our demand was promptly refused. We proceeded immediately to take possession of one of the books, and to take from it the credit side of the profit and loss account for January, 1832, condensed in the usual form for the the use of the dividend committee, a copy of which is herewith transmitted. We then adjourned, intending to resume the examination. On Tuesday last, the 28th instant, the board met, and our note of the 25th instant to the cashier, and his answer to it, were referred to a committee of five, appointed by the president of the bank. In this last proceeding we took no part, deeming the proceeding itself beyond the legal powers of the board.

On the 29th instant we again met at the bank to resume our examination, and finding that the cashier was absent, we required the second assistant cashier, whom we found in the cashier's room, to furnish us the book which we had used when making the examination, the result of which we now furnish. He refused to do so. We required to be informed where the book was, and were told by him that it was locked up in the vault, the key of the iron door of which was then in his pocket, which key, upon being required so to do, he also refused to deliver to us. Having ascertained that the iron door of the vault was locked, we proceeded to the room of the first assistant cashier, and demanded of him the expense book, and were informed by him that it was in the vault, and that we could not have it.

You will perceive, sir, that we have found it impossible further to execute what we deemed a matter of duty. We submit this statement to you, and await your instructions. We are, &c.

EDWARD D. INGRAHAM.
C. MACALESTER.

To the President *of the United States.*

No. 3.

Philadelphia, *Oct.* 24, 1834.

Sir: As directors of the Bank of the United States, we wish to obtain an account of the gross profits of the bank and branches for each half year since the 1st of January, 1832, and up to this time, as nearly as they can be ascertained.

We wish also to ascertain the deductions in detail made from those profits, and the disposition which has been made of any surplus beyond the semi-annual dividends.

It is our desire to obtain these statements (which are intended for the President of the United States) as early as practicable. We shall call at the bank this morning at 11 o'clock, and you will oblige us by having the necessary books ready for our inspection.

Very respectfully, yours,
EDWARD D. INGRAHAM,
C. MACALESTER.

To S. Jaudon, Esq.,
Cashier of the Bank U. S.

No. 4.

Bank of the U. States,
October 25, 1834.

Gentlemen: I have just received (10 o'clock A. M.) your letter of this morning, in which you state your intention to call upon me at 11 o'clock to-day for the "necessary books" to enable you to make certain "statements which are intended for the President of the United States."

Not considering myself at liberty to furnish the books of the bank for such a purpose, I shall submit your letter to the board of directors on Tuesday next, for their order.

I am, very respectfully,
Your obedient, humble servant,
S. JAUDON, *Cashier.*

To Edward D. Ingraham and
C. Macalester, Esqrs.

BANK DRAFTS, &c.

Treasury Department,
December 26, 1834.

Sir: In obedience to the first clause of the resolution of the House of Representatives passed on the 11th instant, directing the Secretary of the Treasury "to communicate to the House of Representatives, as soon as practicable, copies of the correspondence, not heretofore communicated, which had taken place between him and the president of the Bank of the United States, on the subject of the bank drafts &c." I have now the honor to submit a copy of a letter on that subject, received from the president of the Bank of the United States on the 28th ultimo, and the reply thereto by this Department on the 24th instant.

In order to make the contents of both more intelligible, and to include all probably embraced by the resolution, I have taken the liberty to precede them by a copy of the Treasury circular, issued by this Department on the 8th ultimo, and to which these letters so frequently refer, with a copy of the communication of that date, transmitting it to the bank.

I have the honor to remain,
Very respectfully, your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

The Hon. Speaker *of the House of Reps.*

Treasury Department,
November 5, 1834.

Sir: The within circular is enclosed to you with a view to apprize the Bank of the United States seasonably and officially of its contents.

I am, sir, very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

N. Biddle, Esq.,
President Bank of the U. S., Philadelphia.

CIRCULAR.

To the Collectors of the Customs and all Receivers of Public Money.

Treasury Department,
November 5, 1834.

Whereas, by the act of Congress passed 31st July, 1789, it is provided "that the duties and fees to be collected by virtue of this act shall be received in gold and silver coin only;" and, by a usage under that act, and a similar one as to the payment for public lands, it was customary to receive only specie and the notes or bills of banks redeemable in specie, until 1814: and after a different practice, adopted in 1814, Congress, on the 30th April, 1816, resolved "That, from and after the 20th day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States," ought to "be collected or received otherwise than in the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable and paid on demand, in the said legal currency of the United States:" And whereas the practice under that resolution conformed to its provisions till January 21, 1828, when permission by this Department, under certain assurances from the Bank of the United States, was given that drafts or checks of that bank and its branches should be received for the public dues, though said drafts or checks were not notes of the bank, not being, like notes, signed by the president and cashier thereof; nor originally made payable to bearer; nor, according to the subsequent decision of the Supreme Court, coming within the description of a note or bill: And whereas Congress have never authorized the issuing of such drafts for the purpose of circulation as currency, and have refused, though urgently and repeatedly requested, to permit the issuing even of notes of the bank of the smaller denominations, so signed; and the great extent to which the said drafts of small denominations have been put in circulation, as currency, seeming to be directly repugnant to the spirit of the act incorporating the bank, and of the subsequent proceedings of Congress; and doubts having arisen as to the legal liability of the bank to redeem the said drafts in specie, under the penalty provided in the charter for the non-payment of "its bills, notes, or obligations;" and the counterfeits of the said drafts having become very numerous, and difficult of detection, and those who sell or utter them being likely to escape punishment, in consequence of questions which arise in prosecuting the munder the said charter; it is therefore deemed proper, in order that the clearly expressed views of Congress should be enforced, and the agents of the Department protected from risks and losses by said drafts, to revoke the permission granted in 1828; but, with a view to give due notice to the community and bank of the contemplated change, not to allow the revocation to take effect till the period hereafter mentioned.

Hence, in conformity to the requirements of the aforesaid acts and joint resolution of Congress, all collectors of the customs, and all receivers of public money, are hereby enjoined, that, after the 1st day of January next, they shall not receive, in payment of duties or of public lands, any coin or paper except such as is described in said resolution, viz: "the legal currency of the United States, or Treasury notes, or notes of the Bank of the United States, or notes of banks which are payable and paid on demand, in the said legal currency of the United States."

LEVI WOODBURY,
Secretary of the Treasury.

Bank of the United States,
November 20, 1834.

Sir: I have had the honor to receive your letter of the 5th instant, enclosing a circular to the receivers of the public revenue, prohibiting the receipt, after the 1st of January next, of the branch drafts of this bank.

As the receipt of these drafts by the Treasury was an arrangement exclusively its own, in which the bank felt no interest, the refusal to receive them hereafter is an object of equal indifference; nor would it have been in any manner noticed, but that, as you have transmitted to me a copy of the circular, the silence of the bank might be misconstrued into an acquiescence in the contents of that paper. Without meaning, therefore, in the remotest degree, to question the expediency of the measure, it is deemed proper to suggest to you that, owing doubtless to the more important duties which have diverted your attention from a particular examination of the statements in the circular, you have not perceived that they want that accuracy in regard to minute details of fact so exceedingly desirable in public documents. It is my present purpose to point out to you the particular parts which seem to require correction.

First. The circular recapitulates the practice of the Treasury "till the 1st of January, 1828, when," it proceeds, "permission by this Department, under certain assurances from the Bank of the United States, was given that drafts or checks of that bank and its branches should be received for the public dues."

This phraseology appears to convey the impression that the bank had sought to obtain the receipt of these drafts, by certain assurances to the Treasury. It is difficult to imagine any thing more groundless. The bank never consulted the Treasury on the subject, nor did it ever make assurances of any kind whatsoever to the Treasury. The bank, on its own responsibility, issued these drafts. The Secretary of the Treasury subsequently asked for information about them. It was given, not merely without an assurance, but without even an expression of a wish of any kind. On the contrary, the letter giving the explanation concludes with these words: "whether, under these circumstances, it is expedient to receive them, is a question for the exclusive consideration of the Department."

By consulting the files of your Department, you will perceive that in the course of a letter to the Secretary of the Treasury, dated the 11th of August, 1827, (on another subject,) I took occasion to say:

"This and other examples of similar character seem strongly to recommend the adoption of the measure contemplated, of restricting the receipt of bank notes to the districts in which they are issued. It fortunately happens, also, that the bank has at length obtained the means, which have never, until now, been possessed, of increasing the smaller circulation of the Southern and Western States, by drafts from the offices, which will furnish an ample supply of sound currency in those sections of the Union."

Some months afterwards, I received from the Secretary the following letter:

Treasury Department,
January 4, 1828.

Sir: Instructions have been requested of this Department, by some of the receiving officers of the United States, relative to the "checks or drafts issued by the officers of the Bank of the United States upon the bank at Philadelphia, and payable at the respective offices." These, it is presumed, are the drafts referred to in the close of your letter of the 11th of August last, as intended to supply a sound currency for the remote parts of the Union. I am, however, not in possession of other information on the subject; and, without meaning to imply any doubt upon the question, I have to request that you will so far explain the character of those drafts as to enable the Department to judge how far they may be legally received in payments to the United States.

I have the honor to remain,
Very respectfully, your obedient servant,
RICHARD RUSH.

Nicholas Biddle, Esq.
President Bank of the U. S., Philadelphia.

To this an answer was given on the 10th of January, 1828, explaining the nature of the branch drafts, and concluding as follows:

"Having thus explained the history and the nature of these branch drafts, I have only to add, that as a material part of the design in issuing them was to facilitate the collection of the public revenue, they are placed on the same footing of negotiability as the notes signed by the president and cashier of the bank; and, if received on account of the Government, they effectually bind the bank, and will be paid in the same manner as notes of similar denominations signed by the president and cashier now are, or hereafter may be, paid.

"Whether, under these circumstances, it is expedient to receive them, is a question for the exclusive consideration of the Department."

To this Mr. Rush replied as follows:

Treasury Department,
January, 21, 1828.

Sir: I have had the honor to receive your letter of the 10th instant, with its enclosures. As you state that the amount of any of the drafts to which it refers, which may be received on account of the United States, will be paid in the same manner as notes signed by the president and cashier of the bank, I have felt no hesitation in directing that such drafts be taken in payment to the United States.

The specimens which accompanied your letter are herewith enclosed.

I have the honor to remain,
Very respectfully,
Your obedient servant,
RICHARD RUSH.

Nicholas Biddle, Esq.,
President Bank U. S., Philadelphia.

Now, in all this it is difficult to find any "certain assurances." The Secretary was merely told what the branch drafts were; that they were equally binding on the bank as the other notes, and he was left to decide for himself whether to receive them or not. From these details, it is evident that the bank, while it apprized the Secretary of its intentions, did not ask his sanction, nor approval, nor assistance.

Second. The next statement, that "Congress have refused, though earnestly and repeatedly requested, to permit the issuing even of the notes of the bank of the smaller denominations, so signed," is liable to still more objection. The Congress never, on any occasion, refused the permission; on the contrary, bills granting that permission have three times passed the Senate of the United States. Select committees of the House of Representatives have, on two occasions, reported favorably to the object; nor has there ever been any negative action of Congress upon the subject. The history of the case is simply this:

On the 13th of January, 1818, the bank presented to Congress a request that the presidents and cashiers of the branches should sign the notes issued at those branches. It was referred in the House of Representatives to a select committee, who, on the 20th of July, 1818, reported a bill for the purpose, providing "that it shall be lawful for the said corporation to authorize the presidents of the said offices, respectively, to sign, and the respective cashiers thereof to countersign, all such bills or notes as aforesaid."

There was no action on this bill; but a copy of the same memorial was presented in the Senate, and referred to the Committee on Finance, consisting of Mr. Campbell, Mr. Eppes, Mr. King, and Mr. Talbot. On the 9th of April, Mr. Campbell reported the following bill, which declared that bills or notes issued by order of the bank, and "signed by an assistant president and assistant cashier, who shall have been appointed by the directors of the said corporation for the special service of signing such bills and notes, shall be binding and obligatory on the same, in like manner, and with like force and effect, as if the same were signed by the president, and countersigned by the principal cashier or treasurer thereof."

This bill passed the Senate, but was postponed in the House.

The next application was on December 13, 1820. In the Senate, it was "referred to the Committee on Finance, consisting of Mr. Sanford, Mr. Macon, Mr. Dana, Mr. Eaton, and Mr. Holmes of Maine;" by whom, on the 20th of December, 1820, a bill was introduced providing "that it shall be lawful for the directors of the Bank of the United States to appoint an agent or register," and that all bills and notes signed by the agent, and countersigned by the register, shall be as binding as those signed by the president and cashier of the bank.

This bill passed the Senate on the 20th of February, 1821; it was not acted on in the House of Representatives.

The same memorial was presented to the Senate on the 27th December, 1821, and referred to the Committee on Finance, consisting of Mr. Holmes of Maine, Mr. Macon, Mr. Eaton, Mr. Van Buren, and Mr. Lowrie. On the 20th of January, 1822, Mr. Holmes, from the said committee, reported a bill similar to that reported on the 20th of December, 1820; this bill passed the Senate on the 14th of March, 1822. In the House, it was referred to a select committee, but no action of the House took place. Another memorial to the same purpose was presented to the House on the 28th of January, 1823: "Ordered, that the said petition be referred to Mr. Hemphill, Mr. Cambreleng, Mr. Mercer, Mr. Mallary, and Mr. McKim." On the 27th of February, 1823, the committee made a report, in which they state the requests of the bank, of which the third was to authorize the board to appoint one or more persons to sign notes of the smaller denomination at the parent bank.

Of this the committee say:

"As to the third, they think it reasonable, and that it ought to be granted. The constant manual labor of signing notes must too much exhaust the two principal officers of the bank, and, in a greater or less degree, disqualify them from a due application of their minds to the extensive, critical, and important concerns of the bank."

Nothing further was done during that session.

In the month of December, 1826, it was, "on motion of Mr. McLane, ordered that the petition of the

President, Directors, and Company of the Bank of the United States, heretofore presented on the 28th of January, 1823, be referred to the Committee of Ways and Means."

No report was made by that committee.

It will be apparent, from this detail, that Congress never did refuse the permission; that all the action of Congress, so far as there was any, was not a refusal but an assent to the change. The real situation of the question was stated by Mr. Adams, in his report, as follows:

"It does not appear that this request was ever denied by Congress, after deliberation. In one instance, at least, there was a report of a select committee of the House of Representatives in favor of the appointment of signers to the notes; but the spirit which, in the halls of legislative power, so often defeats, by procrastination, that which it cannot reasonably reject, had always succeeded in arresting the action of Congress upon this proposal. The solicited power was never denied, but it was never granted; and the omission to grant it had the effect of denial. The want of circulating currency equivalent to specie continued, with increasing pressure, upon the people, and especially at the locations of the southern and western branches of the bank. An expedient was at last resorted to, which, without transcending the limits of the charter," &c.

Now, certainly, as far as Congress is concerned, the argument is in opposition to the circular. The circular infers, from the refusal of Congress, that the branch drafts were unauthorized. What inference, then, is warranted by its acquiescence in the practice of these drafts for more than seven years under the special sanction of the Treasury, and without the slightest indication of discontent on the part of that body? What is to be gathered from its silence, when one of its own committees submitted the question to its judgment? If the inaction of Congress upon the application for leave be conclusive against the application—its inaction, and not merely its inaction—its countenance of the practice should be deemed conclusive in its favor. But whatever conclusions may be drawn on either side, the simple matter of fact is, that Congress never did refuse to permit the issue of small notes signed by other officers than the president and cashier.

Third. There is still less foundation for the fear expressed of "those who utter or sell them being likely to escape punishment, in consequence of questions which arise in prosecuting them under the said charter."

If you have leisure to examine the subject, you will perceive that this is by much too gloomy an anticipation, and that there is no likelihood whatever that they will escape punishment; on the contrary, there are people at this moment imprisoned for passing them. Nor is there more difficulty in punishing those who counterfeit, and those who pass as true, these drafts, than those who counterfeit, and pass as true, notes of the Bank of the United States, or of any other bank.

The eighteenth section of the charter makes it felony to counterfeit "any bill or note in imitation of, or purporting to be, a bill or note issued by order of the President, Directors, and Company of the said bank," or "any order or check on the said bank or corporation, or any cashier thereof." It is also felony to utter any such counterfeit bill, note, check, or order. These drafts, therefore, are clearly within the last provision, being orders by the presidents and cashiers of the branches on the parent bank, and accordingly there have been repeated verdicts given against counterfeiters on this ground, as well as against those who have passed them; nor has there ever been the least question of their liability to punishment.

Fourth. Nor is the statement more fortunate that these drafts are not instruments, "according to the subsequent decision of the Supreme Court, coming within the description of a note or bill."

The Supreme Court did not decide that, or any thing like that. The Supreme Court have never given any decision affecting, in the least, the power of the bank to issue these drafts. What the Supreme Court did decide, was simply this. I have already said that the charter renders penal the counterfeiting.

1st. "Any bill or note in imitation of, or purporting to be, a bill or note issued by order of the President, Directors, and Company of the said bank;" or,

2d. "Any order or check on the said bank or corporation, or any cashier thereof," and also "the uttering of any such bill, note, check, or order," or the "passing as true any counterfeit bill, note, check, or order;" but, in the subsequent part of the same section, by one of those inadvertencies which often mar the precautions of the most acute framer of the laws, when provision is made for those who sell, utter, or deliver these counterfeits, not as true, but knowing them to be false, and selling them as such to others who also know them to be false, the words are, "that if any person shall sell, utter, or deliver, any forged or counterfeit note or bill, in imitation of, or purporting to be, a bill or note issued by order of the President and Directors of the said bank," omitting the words which were in the previous part of the section, "any check or order upon the said bank or corporation, or any cashier thereof;" so that, although to sell, utter, or deliver as true, a bill note, check, or order, is equally penal, yet the penalty of selling, uttering, and delivering, to persons who know that the paper is not genuine, is accidentally confined to bills and notes, not to checks or orders. The purpose, obviously, was to punish two classes of fraudulent traders; those who dealt with counterfeit money among themselves, and those who circulate it among the innocent members of the community. But, owing to the accident mentioned, the punishment of passing counterfeits as true is extended to bills, notes, checks, or orders; while the punishment of dealing in them is confined to bills and notes issued by order, &c.

In this state of the law, a person who had sold counterfeit money to a comrade in crime, who betrayed him, was indicted for selling, uttering, and delivering, "a bill or note in imitation of, or purporting to be, a bill or note issued by order of the President, Directors, and Company of the said bank." On a division of opinion in the circuit court, the case was carried to the Supreme Court, and there it was decided that the counterfeit paper was not in imitation of such a bill or note issued by order of the President, Directors, and Company; it was an imitation of an order or check drawn on the parent bank, and that it did not purport to be such a bill or note, as it was not so on its face; so that, not purporting to be a bill or note, and not being in imitation of a bill or note, but of another description of paper, the strict construction of a penal statute prevailed, and the criminal escaped. Now, this is all the court decided. It did not touch the question of the right of the bank to issue them, nor its liability to pay them, nor whether these were in reality bills or notes; and it is certainly a misapprehension of the decision to suppose that it pronounced the branch draft as not "coming within the description of a note or bill." Of this there can be no stronger evidence than the admission of the Attorney General, Mr. Taney, himself. The official report of the case states:

"Mr. Taney, the Attorney General, submitted the case to the court, after stating the sections of the bank charter which refer to 'bills,' 'notes,' and 'bills of exchange;' thus showing that the 'notes' of the bank, and 'bills of exchange,' are not the same; while, upon other words used in the 18th section, the offence charged against the defendant might have been the foundation of an indictment, the court would decide whether, in this case, as a 'bill' or 'note,' the draft set forth in the indictment was properly described." The United States vs. Brewster, 7th Peters's Reports, page 164.

Nor is this all. In the case of the United States vs. Turner, in 1833, the Supreme Court decided that a counterfeit, purporting to be an imitation of a note issued by the bank, although the bank had never issued a note of that form, and was not bound to pay it, was punishable. On that occasion Mr. Attorney General Taney maintained, "if the paper purports to be a bill or note of the bank, it is enough, although it may not be signed by the proper officers of the bank;" and the court ruled "that it is wholly immaterial whether the bill attempted to be passed be signed in the name of real or fictitious persons, or whether it would, if genuine, be binding on the bank or not."

This decision completes the circle of defence around the paper of the bank, and secures it effectually, as far as laws and courts can accomplish that object.

Fifth. The circular further assigns as an additional reason for that measure:

"And the counterfeits of the said drafts having become very numerous and difficult of detection." It will doubtless be satisfactory to learn how erroneous is this information, as these drafts have probably been less counterfeited than any other circulating paper in the United States. The first emissions were made in the year 1827, and, being composed in part of the same materials, the same vignettes, dies, figures, &c., as the notes, the plates were counterfeited. The whole emission was immediately suppressed, and new plates prepared; the fives and tens being printed in May, 1829; the twenties in February, 1830. Now, it is very remarkable that, as far as our knowledge extends, not one of these branch drafts has ever been counterfeited. There is not now in existence a counterfeit branch draft of any denomination which has been for five years issued by the bank. So far, moreover, from being difficult of detection, these notes are more easily detected, because, in the vicinities where they are issued, the signatures of the presidents and cashiers of the branches are probably more familiar than those of the more distant officers of the parent bank.

Sixth. The next allegation is that of "doubts having arisen as to the legal liability of the bank to redeem the said drafts in specie, under the penalty provided in the charter for the non-payment of its 'bills, notes, and obligations.'"

Without intending to express the least incredulity as to the existence of these doubts, thus formally asserted in the circular, it may be permitted to wonder by what process of scepticism any one could arrive at doubt on the subject.

Here is an authority from the bank to its branches to draw these drafts; and the branches draw accordingly. To say that they do not bind the bank, is to reverse all ideas of legal responsibility. Call them by any name that is desired; say that they are not "notes"—are they not "bills?" A paper drawn upon one person by another, requesting the payment of money to a third person, seems to satisfy every definition of a "bill." "A bill of exchange," so run the very first words of Chitty, "is defined to be an open letter of request from, and order by, one person on another, to pay a sum of money therein mentioned to a third person." But if they are not "notes" nor "bills," are they not obligations?" Are they not embraced in this word, one of the most comprehensive in our language? By what stronger tie can an individual or a corporation be bound than by authorizing some person to draw bills or drafts, which are thus previously authorized and accepted in advance? If, then, they are obligations; if they oblige the bank to pay the principal, which has not yet been doubted, it seems impossible to doubt that they carry, as a necessary incident, the damages of twelve per cent. for any default in payment of that principal.

Seventh. The circular concludes with a general declaration that "the great extent to which the said drafts of small denomination have been put in circulation, as currency, seeming to be directly repugnant to the spirit of the act incorporating the bank, and of the subsequent proceedings of Congress."

Whether the circulation of these drafts is repugnant to the charter, is precisely the question at issue, and the assertion on either side adds but little to the argument. The seeming repugnancy is at least of recent origin in the Treasury, and has certainly not been particularly obvious to the most distinguished jurists in the country.

It was not manifest to Mr. Binney, who says: "I am unable to discover any legal objection to the plan proposed; and, since it will facilitate the exchanges of the country, and secures the public and the bank from frauds, it seems to be as expedient as it is lawful."

Nor to Mr. Webster, who says: "I concur entirely in this opinion."

Nor yet to Mr. Wirt, the Attorney General of the United States, who says: "I can see no possible objection to the practice above stated, and concur entirely in the opinion."

Nor yet to Mr. Rush, the late Attorney General, and then Secretary of the Treasury, who says: "I have felt no hesitation in directing that such drafts be taken in payments to the United States."

Nor to Mr. Adams, who says, in his report of 1832, that the practice of issuing branch drafts "is justifiable, under the charter, he has no doubt."

Nor to the circuit courts of the United States, who have not hesitated to condemn to long terms of imprisonment persons guilty of counterfeiting them.

Nor, finally, to the committee of investigation of 1832, whose report, (that of the majority,) after detailing the history of the branch drafts, proposes no legislative action, but says only: "Whether it can be justified under the charter of the bank, the committee will leave to the better judgment of Congress."

Having thus stated, without reserve, the views suggested by the circular, I have fulfilled the purpose of this letter.

You will readily understand that it is not at all against the measure itself, but only the reasons assigned for it, that any objection is made; and you will have the goodness to excuse the length to which these remarks have insensibly run, since you are aware that a few lines may assert what may require many pages to refute.

I have the honor to be, very respectfully, yours,

N. BIDDLE, *President.*

Hon. Levi Woodbury, *Sec'y of the Treasury.*

Treasury Department,
December 24, 1834.

Sir: This Department would duly acknowledge the receipt of your voluminous remarks of the 26th ultimo, concerning the contents of a late Treasury circular.

As that document related to a subject in which you observe that the bank originally felt no "interest," and which is now to it "an object of equal indifference," any obligations conferred by your communication are of course increased by your labor in giving advice so very gratuitous, and by your kindness in assuring me it is done "without meaning," "in the remotest degree to question the expediency of the measure" which the Department deemed it proper to adopt. You add, however, that the statements in the circular "want that accuracy in minute details of facts so exceedingly desirable in public documents," and it is your "purpose to point out the particular parts which seem to require correction."

These assertions, and the animadversions which follow, in the execution of your "purpose," having come from a subordinate agent of the Treasury, under circumstances somewhat novel, and in a style peculiar and unusual, would probably never have received any reply from this Department, had not the bank, with singular civility, sent them speedily to the newspapers, and were it not that the community might thus be persuaded to infer, from silence here, an acquiescence in their correctness. But though unwillingly induced, by this course, to submit some answer to the accusations of the bank, the Department has deemed it proper to forbear, as far as practicable, from all recrimination; and as, by the nature of the circular, it presented the reasons for the measure in a very condensed form, to avail itself of this opportunity, and to confine its attention chiefly to make some further explanations in elucidation of those reasons, against the numerous objections which have been urged by the bank, at such length, and with such zeal, notwithstanding its professed "indifference" to the measure itself.

You commence seven specific heads of complaint, by censuring the remark in the circular, that these drafts were originally received by this Department, "under certain assurances from the Bank of the United States." With the usual courtesy exhibited throughout most of your criticisms, you subjoin, concerning this particular remark, "it is difficult to discover any thing more groundless;" and then proceed to assert that "the receipt of these drafts by the Treasury was an arrangement exclusively its own," and that the bank, before such receipt of them was permitted, never made, in regard to them, "assurances of any kind whatsoever." The original correspondence on the subject referred to has mostly been consumed in the burning of the Treasury building; but, by your own quotations, it appears that the Secretary did not permit these checks to be received in payment of the public dues, though the letter of the bank, in August, 1827, gave certain information concerning them, until another of your letters, on the 10th of January, 1828, communicated much fuller information as to their true character, and the object in issuing them, by stating that, "as a material part of the design in issuing them was to facilitate the collection of the public revenue, they are placed on the same footing of negotiability as the notes signed by the president and cashier of the bank, and, if received on account of Government, they effectually bind the bank, and will be paid in the same manner as notes of similar denominations, signed by the president and cashier, now are or hereafter may be paid." It appears that, in consequence of doubts intimated by the Secretary of the Treasury, whether these drafts ought to be received, and of inquiries to you concerning them, he obtained, in reply, the above assurances. Then, under date of January 21, 1828, and not till then, he remarked, in answer, "as you state that the amount of any of the drafts to which it refers, which may be received on account of the United States, will be paid in the same manner as notes signed by the president and cashier of the bank, I have felt no hesitation in directing such drafts to be taken in payment to the United States." If these quotations and facts do not show that the permission was given by this Department, "under certain assurances" from the bank, it is frankly admitted that this part of the circular may "seem to require correction." But, with due deference to your opinion, they are supposed to contain, 1st, *The assurance*, by the bank, that "a material part of the design in issuing them was to facilitate the collection of the public revenue." 2d, *The assurance* "that they are placed on the same footing of negotiability as the notes signed by the president and cashier of the bank," or, in other words, they are so constructed as to pass by delivery. 3d, *The assurance* that, "if received on account of the Government, they effectually bind the bank, and will be paid in the same manner as notes of similar denominations, signed by the president and cashier, now are or hereafter may be paid." This was undoubtedly then considered a very important "assurance." As drafts, these instruments were payable only at the principal or mother bank, on which they were drawn; but it here assures the Secretary that they shall be paid at the branches where issued, and the five dollar drafts at all the branches promiscuously; that being the manner in which "the notes of similar denominations signed by the president and cashier" were paid.

In fine, if these were not "*assurances*," you would confer an additional favor on this Department, and, perhaps, make the English language more explicit, by specifying their true definition, as they must otherwise appear, in connexion with the well-known state of things at that period, to demonstrate, it is feared and regretted, the great "want of accuracy" in your assertion that the bank did not "ever make assurances of any kind whatsoever to the Treasury." Under this head of complaint by the bank, your narrative contains singular evidence of the superintending care early bestowed by it over the affairs of this Department. You now declare that "the bank never consulted the Secretary of the Treasury" in relation to the issue of these branch drafts—"did not ask his sanction, nor approval, nor assistance;" and yet formerly you said, "a material part of the design in issuing them was to facilitate the collection of the public revenue." But, although the bank, without consulting him, and contrary to the avowed policy of Congress, undertook this gratuitous supervision over "the collection of the revenue," it did, at last, condescend to allow the Secretary the privilege of deciding whether these drafts should be received in payment of public dues or not. It seems by your own statement, that after the bank had, without "his sanction or approval," provided means "to facilitate the collection of the public revenue," he was kindly informed, probably lest he might entertain a doubt whether any discretion had been left to him, that "whether, under these circumstances, it is expedient to receive them, is a question for the exclusive consideration of the Department;" and you now gravely add, what it is to be lamented, for the sake of consistency and of illustration, in respect to your present "accuracy," had not been inserted in the same letter, at the close of the above remark, that still neither his "sanction, nor approval, nor assistance" was asked, and that his receipt or refusal of the drafts was to the bank a matter of perfect "indifference." Allow me, in connexion with the last quotation from the letter of the 10th of January, 1828, to inquire whether your recent impression that originally "the bank felt no interest" in the receipt of these drafts by the Treasury, will not, even in your own opinion, "seem to require correction;" when it appears, in looking to the whole letter as published by the committee of Congress in 1832, that the president of the bank stated to this Department that he was instructed by the board of directors to give "the most precise and detailed information" on that subject, and that you accordingly "hastened to execute that duty." But, though you then stated, while performing the "duty," that "a material part of the design in issuing the drafts was to facilitate the collection of the public revenue," which you well knew could not be so facilitated, and which design, avowedly so patriotic, in issuing them, would be wholly defeated if this Department did not enter into an arrangement to receive them, yet the strenuous, however unpretending effort now appears to be to make this Department believe that the bank then felt no "interest" whatever in that arrangement. You must also have been aware that the other part of the design, to have them circulated immediately as a currency," notwithstanding Congress had just refused to grant permission to the bank to issue any thing whatever as a currency, except notes signed by the president and cashier of the mother bank, would probably be retarded, if not defeated, unless enough was stated under your "precise" instructions from the directors to induce this Department to grant the permission to receive them for the public dues, and about which it was then hesitating and corresponding with the bank.

After all this, you will readily perceive that it is a matter of some surprise now to learn that the bank then felt no "interest" in that decision, and that the "receipt of those drafts" by the Government was to the bank, both now and then, "an object of equal indifference"—an indifference, perhaps, more influenced than you are aware, by the change of attidude in the bank from an applicant for favor to that of a critic on "public documents," and by other circumstances, which may insensibly have led it to lower its opinion on the importance of an indulgence since lost, and to underrate what can no longer be enjoyed. Permit me to inquire further, whether the assertion in your last letter, as to the Treasury, that this was "an arrangement exclusively its own," does not seem to be exposed to some "scepticism," after it is seen that the directors and president of the bank had so much concern and agency in that arrangement, had such large designs connected with its accomplishment, and when the bank had objects and interests in view in issuing those drafts, which, for years, it had been in vain attempting to effect in another way, by the consent of Congress, and all of which it could not then effect in the mode it resorted to, but by the "sanction" of this Department.

Yet, now, severely reproaching the Treasury for entertaining a different impression, the bank requests the public to believe the very extraordinary assertion that it took no part whatever in "the arrangement" to have those drafts received for the public revenue; that, in fine, it felt no "interest" in the measure, and asked of the Secretary neither "his sanction, nor approval, nor assistance."

In a review of these considerations, connected with your first topic of censure, it is trusted the public will find sufficient grounds to excuse any supposed errors of the Treasury, if it do not find some "particular parts" of the "statements" of the bank which "seem to require correction." Having, in a tone entitled to all the commendation from this Department which has been bestowed, and with all the "accuracy" which a full examination has shown it to possess, asserted that "it is difficult to imagine any thing more groundless" than the first position quoted from the circular, you proceed, and, with accustomed civility, declare the second one to be "liable to still more objection." The second one was, that "Congress have refused, though earnestly and repeatedly requested, to permit the issuing even of notes of the bank of the smaller denominations, so signed." Concerning this you assert that "Congress never, on any occasion, refused the permission;" but, "on the contrary, bills granting that permission have three times passed the Senate of the United States," "and select committees of the House of Representatives have, on two several occasions, reported favorably to the object, nor has there ever been any negative action of Congress on the subject." You then go into a narrative of fruitless petitions to Congress from 1818 to 1826, inclusive, asking an amendment of the charter, in relation to the character or signature of its notes. Nothwithstanding the assumed "accuracy" of the bank in matters of fact, it is apprehended that, in attempting to correct the Treasury on this point, you have, inadvertently no doubt, fallen into some material errors yourself. The branch drafts were signed by the presidents and cashiers of the offices, and the assertion of the circular was, that Congress had refused to permit the issue "even of notes so signed." In your kind attempt to show that this assertion is "worse" than "groundless," you say that "bills granting permission have three times passed the Senate of the United States," and that "select committees of the House of Representatives have, on two several occasions, reported favorably to the object." You then quote from the "bills granting permission;" but, by a strange oversight, you have quoted from bills permitting a thing altogether different. The Senate bill of 9th April, 1818, provided that notes might be issued, signed, not by the presidents and cashiers of the branches, but by an "assistant president and an assistant cashier" at the principal bank. The bill of 1820 authorized the appointment, at the principal bank, of "an agent and register," for the same purpose. The bill of 1822 was similar in its terms. You must, therefore, have selected wrong bills when you took these to prove the inaccuracy of the circular, in saying that Congress "refused" to authorize notes to be issued, signed like these drafts, which is by the presidents and cashiers of the branches. You are equally unfortunate in your allusions to the proceedings of the other House. After the bill was reported in 1818, which fell dead from the hands of the committee, most of the subsequent efforts appear to have been to create new officers in the principal bank, to perform that service. Certain it is, that, in 1820, it only asked that authority be given to the board "from time to time to appoint one or more persons to sign notes of the smaller denominations at the parent bank, under the superintendence and direction of the board and its principal officers."

But had all the future applications of the bank been of precisely the same character with the original one in 1818, it is conceived that, according to your own mode of reasoning, there is very little, if any, error in saying they were "refused:" since, during nine years' importunity, not one House of Congress passed a single bill, nor one committee made a single report, in favor of allowing notes to be issued "so signed," (as mentioned in the circular;) and when, according to your own statement to the board of directors, the president of the bank, with all his talents and means of influence, was totally unable at the session of 1826-'7 "to obtain a favorable report" from the Committee of Ways and Means on a proposition far less mischievous. In these cases, if Congress did not "refuse," as stated by this Department, it certainly did that which the bank and all its friends thought to be equivalent; and, therefore, abandoned in despair the idea of accomplishing in any mode, by the permission of Congress, their long-sought wishes and designs on this subject. Indeed, on one occasion, in 1831, you have yourself spoken of these applications as made "without success;" on another, in 1828, the stockholders, at their triennial meeting, of which Robert Ralston, Esq. was chairman, on a point similarly situated as to Congress, reported that "the request was declined;" and the other distinguished gentleman whom you cite, says in your own quotation, "the omission to grant the solicited power had the effect of denial." Now, whether the difference between an application "refused," and one made "without success," or "one declined," or one, an omission to grant which "had the effect of denial," is worthy of the trouble you have taken, and the valuable time you have spent in compiling "many pages" for the "correction" of this Department, is a subject for your own exclusive consideration. When lexicographers define "refuse" to mean "not to comply," or "to decline to do or grant what is solicited," the difference, if difference there be, between the statement in the circular and the real facts, or the very language of your own committee, must be one, to point out the importance of which should undoubtedly receive all the acknowledgments it is thought by others to deserve.

In your other view, that the measure was not "refused" by Congress because it passed the Senate, or was approved by a committee, although the impressions of the bank should be of that character, and, therefore, the circular, in this particular, be deemed objectionable, yet this Department would respectfully state that it does not consider the Senate, separately, as "Congress;" nor does it attach that character or authority to the House of Representatives alone, and still less to any one of its committees; and it looks upon every omission to grant, by the concurrence of both Houses, a long, repeated, and urgent application, as a refusal. It may be considered a merit on the part of the bank, that though filling only an agency under one of the Departments, it at last undertook to relieve the highest constituted authorities of the Union, the representatives of the people and the States, from the responsibility of watching over the public interests on this subject. After asking of Congress, through a period of many years, to grant an authority infinitely less extensive and dangerous, and which was refused, or, in bank language, was "declined, as it had previously been," it proceeded solely upon the opinions of certain "distinguished" counsellors to do, in substance, that which had appeared much more abhorrent to Congress, and which was much more hazardous to the community. It inundated the country with a currency, signed by the presidents and cashiers of its several branches, in the form and under the name of drafts. That this assumption of high power, by an inferior instrument, whether of a department or Congress, but in defiance of the latter—that this new and usurped care of regulating the collection of the public revenue, and the condition of the currency, without the "sanction" of the legislative authorities of the country, have not been long ago rebuked in an appropriate manner, so far from being now a proper subject for taunts by the bank, ought naturally to excite its gratitude for profitable, though unmerited and dangerous indulgences, so long enjoyed.

The third "correction" you desire is in the fear, expressed by this Department, that "those who utter or sell" these checks, when counterfeited, "are likely to escape punishment, in consequence of questions which arise in prosecuting them under the said charter." The Department would feel gratified by your assurance that this is "too gloomy an anticipation," if it had not some apprehension, from the result of the inquiry thus far into the "minute details of facts" and opinions given by the bank, that the Department would not be justified in always placing as much confidence in their "accuracy" as seems to be employed in expressing them, "owing, doubtless," (as you say of the undersigned) "to the more important duties which have diverted your attention from a particular examination of the statements." The averment made that there is "no more difficulty in punishing those who counterfeit, and those who pass as true, those drafts, than those who counterfeit, and pass as true, notes of the Bank of the United States or of any other bank," does not remove in the least degree the fear that the persons who "sell or utter" those drafts "are likely to escape." Because the acts you are pleased to specify as punishable without "difficulty" are expressly prohibited and punished by the charter, while to "sell or utter" these drafts is not expressly prohibited and punished. This, it is supposed, arose from the reason that Congress never anticipated that these drafts or small orders would be used as a currency, and, therefore, they were never considered likely, after being counterfeited, to be sold or uttered to others for use as a currency. Nor does the anticipation become less "gloomy" from the circumstance that, in the section of the charter cited by you, it is made felony to counterfeit "a bill or note, or any order or check, on the said bank or corporation, or any cashier thereof." Because any person who reads the charter with suitable attention perceives at once that all the prohibitions as to counterfeiting notes are made equally applicable to checks and drafts, except the last one as to selling, uttering, or delivering them, and which last is expressly confined to bills or notes alone, entirely omitting what had before been introduced in other clauses on other points, as to orders, checks, or drafts. In a subsequent part of your letter this is admitted to be true, and, to avoid the necessary inference from it, you ascribe it to accident or inadvertence, though it much more probably arose from the fact that no one at that time ever thought of such checks being issued and used as a currency, which is the only use of them questioned in the circular. The bank itself, you elsewhere remark, never made the "discovery," till nine or ten years afterwards, that they could be so issued and used, and consequently no mischief in selling and uttering counterfeit checks, for the purpose of being afterwards passed as a currency, was then apprehended by Congress ever to be a probable occurrence, so as to require a provision for its punishment. Indeed, so repugnant were the feelings of a majority of even the friends of the bank to the use of a paper currency, to be signed like these drafts by the presidents and cashiers of the branches, that they gave no such power in the original charter; they refused, though for many years afterwards importuned, to confer any such or similar power, and expressly prohibited, in the renewed charter, passed by both Houses of Congress in 1832, the issue of such small drafts as a currency. This Department must, therefore, notwithstanding your assurances, still be permitted to entertain the belief that those who "sell or utter" these drafts, when counterfeit, were not in the charter expressly made liable to punishment, and hence "are likely to escape punishment in consequence of questions which arise in prosecuting them under the said charter;" and the more especially must it do this, when a case in the Supreme Court is cited by yourself, where a person so misbehaving, after a solemn hearing before that venerable tribunal, was not only considered by it as "likely to escape," but, according to your own account of the case, "the criminal" actually did escape.

In the fourth place, you observe, "nor is the statement more fortunate that these drafts are not instruments, according to the decision of the Supreme Court, coming within the description of a note or bill." On this opinion, with a "dignified calmness" and a courtesy equally commendable with those before evinced, you observe the "Supreme Court did not decide that, or any thing like it." In proof of this very broad and positive denial, you proceed to state that the "Supreme Court has never given any decision affecting in the least the power of the bank to issue these drafts," and this irrelevant averment is substantially repeated several times, under this fourth objection. A little closer observation would have satisfied yourself that no assertion was made by this Department, that the Supreme Court had given any decision whatever "on the power of the bank to issue these drafts." The averment on that point is one "exclusively your own," the circular having merely stated that, according to the decision of the Supreme Court, these drafts or checks did not come "within the description of a note or bill."

You take it for granted that Brewster's case, in the 7th volume of Peters, was the decision of the Supreme

Court referred to in the circular. But when your views of that case are given in a subsequent analysis, you are then compelled to admit that it "was carried to the Supreme Court, and there it was decided that the counterfeit paper was not in imitation of such a bill or note, issued by order of the President, Directors, and Company; it was an imitation of an order or check drawn on the parent bank, and that it did not purport to be such a bill or note, as it was not so on its face; so that, not purporting to be a bill or note, and not being in imitation of a bill or note, but of another description of paper, the strict construction of a penal statute prevailed, and the criminal escaped." This Department might safely agree with you that "this is all the court decided," one point of which, however, was, according to your own words, that the instrument, in that case, "was an imitation of an order or check, drawn on the parent bank, and that it did not purport to be such a bill or note, as it was not so on its face." Hence, in the circular, it was innocently supposed and stated that such a check could not come "within" the description of a bill or note—1st. Because, generally, "it was not so on its face;" 2d. Because, to enter into detail, it was not signed by the president and cashier of the mother bank, like a bill or note, but by the president and cashier of a branch; 3d. Because it was not payable to bearer, originally, like a bill or note, but to order; and, 4th. Because it was a mere draft on the parent bank by others, instead of being, like a note, a promise of the parent bank itself. Whether that decision, in the description of it given at length, even by yourself, when compared with the statement in the circular, is not substantially the same, "or any thing like it," as you so positively assert, is now submitted to the deliberate reflection of others. But if you will re-examine the case of Brewster, and notice that the marginal note of the reporter says, "it was decided" that "a genuine instrument, of which the forged and counterfeit instrument is an imitation, (having been a check,) is not a bill," &c., and that the counsel whom you quote admitted "this is not such a bill," and that the court itself decided, and caused to be certified, that "the genuine instrument of which said false," &c. "is the counterfeit," &c. "is not a bill," and will then advert to the words of the circular, "that these drafts are not instruments, according to the decision of the Supreme Court, coming within the description of a note or bill," and can repeat your very confident and comprehensive denial, viz: the "Supreme Court did not decide that, or any thing like it," there can be but little doubt that, however the bank may safely rely on its president for courteous correspondence, it ought hereafter to be considered as justified in resorting, upon all practical questions, to other quarters for most of the legal advice it so liberally employs. If any thing further were necessary to be added in answer to this complaint against the "accuracy" of the circular in "minute details of facts," because it stated that a check was not a note "according to the decision of the Supreme Court," it will be found in the circumstance mentioned by yourself as to the above case, "that the criminal escaped." The public can judge, when he was indicted for selling and uttering "a counterfeited bill"—and in evidence the "forged paper" proved to be a "check"—whether the criminal would probably have escaped had a check come "within the description of a bill or note."

Your fifth objection is to the expression in the circular, that "the counterfeits of the said drafts have become very numerous and difficult of detection." On this point it is highly satisfactory to learn from one whose means of information is so ample on these subjects, that these "drafts have probably been less counterfeited than any other circulating paper in the United States."

But considering that your statement on this point is comparative, this Department has no inclination or occasion to form an opinion on the accuracy of your comparison. But from what has otherwise been communicated, and indeed from your own admission as to the first drafts issued having been so much counterfeited that "the whole emission was immediately suppressed" and "new plates prepared," and that how many of these counterfeits are still abroad you cannot know, and do not presume to conjecture, this Department would still incline to the belief expressed in the circular, that "the counterfeits of these drafts have become numerous," or that the facts communicated by yourself, as to the extent to which the first emission was counterfeited, are probably very "erroneous;" that the case of Brewster, which you cite, is also probably "erroneous," as the counterfeit there appears on its face to have been made some months subsequent to the alleged suppression of the old emission and the procurement of the new plates; and that one reason assigned by yourself, in a letter of March 22, 1827, to Messrs. Webster and Binney, for not having before issued these checks for small sums, viz: "the hazard of their being counterfeited," must have been somewhat "groundless," if not "erroneous."

In reply to the latter clause on this point in the circular, that the counterfeits of these drafts are "difficult of detection," you assert that they are "more easily detected" than notes; because, "in the vicinities where they are issued, the signatures of the presidents and cashiers of the branches are probably more familiar than those of the more distant officers of the parent bank." This rebuke of the Department contains a species of information which, though again comparative, if, under an anticipation of its correctness, given to Congress from any quarter in 1818, and believed, would perhaps have removed one great objection which then existed against allowing the bank to issue small notes not signed by the president and cashier of the mother bank. If given even as late as 1832, after all your experience under both the "old" and "new plates," it would probably have prevented both Houses from confining in the new charter the signature of notes to the officers of the principal bank, when, according to your present impression, the counterfeits of such notes are not so easily detected as the drafts signed by the officers of the branches. But, unfortunately for the accuracy of your correction, Congress then, and at all times when applied to on this subject, has entertained obstinately an impression similar to the belief expressed in the circular, or has indulged on this point what you call elsewhere "a process of scepticism," because these drafts circulate often at much greater distances from the vicinity where they were issued than from the mother bank, and it has been supsupposed that their signatures must, from that circumstance, be less known; and it seems never to have been before doubted that it is much more difficult to distinguish and become familiar with 40 or 50 different signatures of the presidents and cashiers of the branches who sign the drafts, than with two signatures of the president and cashier of the mother bank, who sign the notes or bills. The same "process of scepticism" might also lead persons still further to hesitate, and ask why the first emission of checks was so much more counterfeited than notes, if the forgeries of the former, as is now with so great confidence asserted, are "more easily detected." Under these circumstances, therefore, it is hoped the public will excuse this Department if still diposed to cherish an opinion that the counterfeits of these drafts "are difficult of detection."

Your sixth complaint is the grievous one, that an allegation is made in the circular of "doubts having arisen as to the legal liability of the bank to redeem the said drafts in specie, under the penalty provided in the charter for the non-payment of its bills, notes, and obligations." The doubts expressed were not, as you seem in one place to suppose, that the bank may be made liable, in some way, for the drafts thus issued by its branches, but whether that liability is such that, in default of prompt payment, "the penalty" of 12 per cent. can also be recovered of the corporation. That "penalty" is supposed to have been intended in the first clause of the 17th section to apply chiefly, if not specially, to the non-payment of its "bills or notes;" and in the second clause, by express terms, to the non-payment of "money received in deposite" by said bank or any of its offices. It is not customary to affix a "penalty" to the neglect by banks to pay any other obligations than those expressed in the notes or bills issued by them as a currency, or, at furthest, to pay money on deposite. In that view the word "obligations" may be considered as having been intended to be synonymous with "bills or notes." But if it was meant to possess a wider application, it probably was designed to include, besides bills and notes, all sealed instruments, such as are technically called "obligations," being such as the charter in a previous section calls "any bill, obligatory or of credit, or other obligation under its seal." There is no pretence that these checks are such "obligations." Even if the expression was meant to include every contract explicitly allowed to be made by the bank, whether sealed or unsealed, it would then become necessary to ascertain whether the charter thus allowed, besides its bills or notes, any such contracts as these checks to be made by the branches on the parent bank for a currency. The 11th section and 12th paragraph describes what obligations the bank may legally incur. One kind is under seal, and then must not be less than $5,000. It next provides that bills and notes for less than that sum, though not under seal, shall be binding if signed by the president and principal cashier of the bank, and whether running to order, as bills of exchange, or bearer, as bank notes. It cannot be contended that the checks or drafts named in the circular are "obligations," within the authority given in any part of that section, as they are not sealed nor signed by the president and cashier of the bank; but they are signed and issued by the presidents and cashiers of the branches alone. Literally, then, these checks are rather checks on the bank, than by the bank; engagements by the branches and its officers, and not "bills, notes, or obligations" of the bank and its officers, as described and contemplated in the charter. Hence, doubts exist, and contrary to your impression, without any extravagant "process of scepticism," whether they were intended to be embraced in the clause imposing a "penalty" on the bank for refusing to pay specie on demand for its "notes, bills, or obligations," and for money on deposite. But, at the same time, no doubts were expressed by the Department, and none are believed to be generally entertained, that, being issued for a valuable consideration received, and under a direction from the mother bank, though not in strict conformity to any provision in its charter, some mode may exist of recovering the amount of these drafts if payment should be refused. But whether "the penalty," in such case, could also be recovered, has, as stated in the circular, been doubted by many of those who have taken the trouble properly to examine the subject, and you need not have felt or expressed the least "incredulity" as to the existence of those doubts, since, with all due deference to your judgment on legal questions, those doubts probably will continue to be entertained, notwithstanding the "wonder" exhibited in your letter. It is hoped, however, that if no higher principle shall produce such a result, that at least this "wonder" will prevent the bank from resisting the payment of the penalty, as well as the whole amount of the drafts, should it ever become so unfortunate as to be prosecuted for not promptly paying specie on any of them.

The seventh and last complaint against the contents of the circular, as wanting proper "accuracy," is its declaration that the great extent to which the said drafts of small denominations have been put in circulation as currency, "seems" to be "directly repugnant to the spirit of the act incorporating the bank, and of the subsequent proceedings of Congress." Among other strictures, you observe that this "seeming repugnancy" has certainly "not been particularly obvious to the most distinguished jurists in the country," and that "assertion on either side adds but little to the argument." On examination, it will be seen that this Department made no positive assertion on this subject, but merely expressed an opinion, it is trusted, with suitable modesty and caution, on the extensive circulation of those small drafts, "as a currency, seeming to be repugnant," &c. But it is believed it might with "accuracy" have very positively asserted the existence of such a repugnancy, as not a single clause in the charter has been quoted by the president of the bank, or either of his "distinguished" advisers, in their opinions, which authorizes such checks or drafts as these to be largely issued as a currency. It is further supposed, that where no such clause exists, but another one does exist, pointing out how the bills and notes to be issued as a currency shall be made and signed, and those drafts are not so made and signed, and when still another clause exists, authorizing branches to be established only as "offices of deposite and discount," and not for the issue of a paper circulation, and yet those offices, by resolution of a committee of the parent bank, February 23, 1827, had instructions "to furnish them (drafts) to the customers of the bank, or to other persons who may wish to procure them," and thus were converted into offices, not only of "deposite and discount," but of manufacturing and sending forth nearly one-half of the whole paper currency of the bank, the presumption appeared to be fair, natural, and legal, as expressed in the circular, that these drafts seem, "as a currency, to be repugnant to the spirit of the charter." Though you assert that this has certainly not been "particularly obvious to the most distinguished jurists in the country," yet it is submitted, under the above explanation, to be very obvious to the plain dictates of common sense, and in an especial manner to have been "particularly obvious" to the bank itself, for nine or ten years, while it was with constant effort and anxiety seeking permission to issue a currency somewhat similar, but could not discover any thing in either the letter or spirit of the charter to justify the issue of such a currency, whether by its drafts or otherwise, and therefore resorted to Congress for an amendment.

So far from this "seeming repugnancy," therefore, not having been "particularly obvious," either to yourself or to the "distinguished jurists" called to your aid, it would, on the contrary, but for your denial, have been supposed to be so "manifest" as to have constituted the chief cause why neither you nor they, until all other exertions in all other ways, for many years, to obtain your desired facilities, with the approbation of the legitimate legislative authorities, had failed, ventured to risk the adoption of so bold and indefensible a measure. This was then risked, though all the reasons at last assigned for it, the labor and difficulty of signing sufficient small notes by the officers of the mother bank, and the supposed want, in some places, of a greater amount of small currency issued by the United States Bank, were as well known before as then, and had been repeatedly urged by memorials and personal applications. But for that denial, it would manifestly be presumed that you all were so fully convinced of the "seeming repugnancy," as to request of Congress relief in 1818, in 1819, and so onward, yearly, to 1826, and, indeed, until you returned so disheartened from your "unsuccessful" expedition to Washington in 1827. About that time, and not till then, the bank assured this Department that the important discovery was at length made, that it already possessed the "means," or its equivalent; to obtain which, it had been besieging the halls of legislation in vain for a period almost equal to that of the most celebrated siege of antiquity. In your letter of the 1st of August of that year, this discovery was announced to the Treasury Department in these words, viz: "It fortunately happens that the bank has at length obtained the means, which have never until now been possessed, of increasing the smaller circulation of the Southern and Western States, by drafts from the offices, which will furnish an ample supply of sound currency in those sections of the Union."

How happened it? Had Congress amended the charter? and did the bank get this new power, or "means," from that quarter? So far from this, its president had just returned from Washington, after a series of "unsuccessful" efforts, in hopeless despondency. Whence, then, had it "obtained" those "means?" Why not before "possessed" of them, as well as then? The Legislature had refused to confer any new "means." The bank, then, after despairing of getting these "means" by an act of Congress, seems to have proceeded, and "obtained" them by construction—"means" which, so far as the law allowed, had been "possessed" as much before as then, but the use of which, for that purpose, Congress had, in substance, refused to permit, and which use, without that permission, through an amendment, appears to have been long manifest to the bank, if not to the imposing list of distinguished jurists whose names you cite, to be "repugnant to the spirit of the charter." "The process" seems to have been, that, as the bank and its branches had always exercised a power to draw drafts on each other, for the ordinary purposes of drafts, it occurred to some one that this ordinary power might be used for a purpose which was never thought of by any other banking institution—a purpose so extraordinary that, in opposition to it, Congress had resisted the most persevering importunities. But certain distinguished jurists were then found, who, you exultingly declare, could "discover no legal objection" to the plan proposed; and hence arose this new power or "means" of creating a currency not before "possessed," but then "at length" fortunately "obtained." It was "obtained," not by any new grant from the representatives of the States and people, whence all the just authority of the bank was derived, but by the palpable perversion of an old power or practice to a new purpose; and although it was well known that the legislative authority, on a full exhibition and hearing of all the supposed reasons in favor of a similar measure, had long refused to sanction any similar purpose.

In regard to the "repugnancy" of this course to the views and "proceedings of Congress," it was, as before noticed, made "manifest," even as late as 1832, when both Houses, in the bill for the new charter to the bank, which was on other grounds returned by the President with his veto, expressly forbade the issue of these small drafts as a currency, by providing "that, from and after the third day of March, one thousand eight hundred and thirty-six, no branch draft or other bank paper, not payable at the place where issued, shall be put in circulation as currency by the bank, or any of its offices, except notes of the denomination of fifty dollars or some greater sum."

This Department indulges the hope, then, that it will not be deemed by others, as by the bank, a "want of accuracy in regard to the minute details of facts so exceedingly desirable in public documents," to have stated in the circular that "the great extent to which the said drafts of small denominations have been put in circulation as a currency, seeming to be directly repugnant to the spirit of the charter incorporating the bank and the subsequent proceedings of Congress." That this assumption by the bank of undelegated power, or undelegated uses of an old power, in derogation of the spirit of the laws, and in direct hostility to the views and policy of Congress, has not before been arrested, is but another admonitory lesson against the danger of continuing a corporation with such ability and inclination to disregard the wishes and restraints of legislative authority. To conclude, sir, although this Department has not aspired to rival the bank in that kind of elegance or dignity with which the allegations of the circular were controverted, yet it has endeavored so far to imitate the example set, as to give its views "without reserve." After multiplied and kind interpositions on the part of a mere fiscal agent to manage the affairs of the Treasury itself, without "its sanction or approval," and after so many friendly admonitions as to want of "accuracy" in regard to minute details of fact in "public documents," (where such admonitions are most needed can now be decided by others,) this Department has endeavored to make known some of the feelings inspired by this characteristic course of the bank, has offered its explanations in reply to your numerous charges, and has thus "fulfilled the purpose of this letter."

With due consideration and respect, yours, &c.

LEVI WOODBURY,
Secretary of the Treasury.

N. Biddle, Esq.
President of the U. S. Bank, Philadelphia.

BRANCHES OF THE MINT.

Treasury Department,
January 17, 1835.

Sir: Immediately on the receipt of your several communications, dated the 10th, 12th, and 23d ultimo, copies of the resolutions of the House of Representatives, enclosed in those communications, were transmitted to the director of the mint, with a request that he would furnish the Department with his views, and such information as would enable me to comply with the wishes of the committee. A report has this day been received from that officer, which is herewith submitted.

Although, in some of the details, and on some of the topics introduced, incidentally, in connexion with the subject of the establishment of branches of the mint, the Department does not fully coincide with Mr. Moore, yet, on the principal subject of inquiry, the difference is so slight that is not deemed necessary, in order to meet the requests of the committee, to offer any suggestions beyond what the science and research of the director of the mint have enabled him to present.

I remain, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

The Hon. Jas. K. Polk,
Chairman Com. Ways and Means, H. R.

Mint of the United States,
Philadelphia, January 15, 1835.

Sir: Conformably to your request, accompanying a communication of the resolutions of the House of Representatives, relative to the establishment of branches of the mint, I have now the honor to submit the remarks which a careful consideration of the subject has suggested in regard to the measure contemplatedby those resolutions.

The mint was established, as declared in the act of Congress of 1792, under which it originated, for the purpose of a national coinage. In thus exercising the exclusive power of coining money, confided by the constitution to the General Government, no conception appears to have been entertained of rendering it productive as a source of revenue, nor even that the expenses of the establishment should be sustained by a charge on its operations. The benefits of a circulating medium, offering a measure of value subject to no fluctuation but that slow and imperceptible one from which even the precious metals are not exempt, appears to have been regarded as ranking the mint establishment among public institutions to be sustained from the common treasury for the general good.

Conformably to these views, very cautious provisions were devised for securing the requisite conformity in the fineness and weight of the coins to the standard declared by law, and supplies of bullion were invited to the mint by very liberal conditions offered to depositors. Coinage was subject to no charge or loss except the delay incident to the routine of the mint, and it was provided in the act, that, when convenient to the public treasury, prompt payment of the value of deposites, if desired by the party, should be made at a charge of half per cent. as an equivalent for the advance, in anticipation of coinage. These provisions remain in full force to the present day, with only a slight variation in regard to the conditions relating to prompt payment, which practically affects the question in a degree scarcely sensible. Even the waste, unavoidable in the various manipulations of the mint, has at all times been sustained by the United States, the depositor receiving in standard coin all the pure gold or pure silver delivered by him at the mint.

On another occasion, the considerations have been presented, which seem to recommend an adherence to the principle of free coinage, making, at the utmost, only the charge of half per cent., and that not for coinage, but for payment in advance. It may be proper to remark here, in regard to this particular, that, at an early period of the mint, its unproductiveness, compared with the expense of sustaining it, became a subject of comment, and a proposition for abolishing the institution was at one time entertained in Congress. The force of public sentiment appears, however, to have sustained it under these inauspicious circumstances, and even the principle of free coinage remained unchanged. This point is not intended to be pressed at the present moment; that which relates to the constancy of the national coins to their prescribed fineness and weight, is, however, of far higher concern, and claims proportionate attention. If, in regard to these, the stamp of the mint shall cease to give a perfect assurance, the design of a national coinage is essentially defeated.

This vital point is secured under the existing laws, by provisions, which subject the officers implicated in any intentional violation of their duty in this respect, to severe penalties, and visit in an exemplary manner even casual deviations from the legal standard, if exceeding a very restricted limit.

To determine whether the coins issued from the mint have been conformable to the requisitions of the law, it is prescribed that from every delivery of coins a few pieces shall be reserved, to be submitted annually to a special examination, in presence of commissioners designated in the act for that purpose. The records of this commission prove the value of this ordeal, and the precision attainable in coinage under the regulation prevailing on this subject.

It is, indeed, true, and recognised by the provisions alluded to, that absolute accuracy in every single instance is not attainable. The intendment of the law, and the regulations and practice under it, aim at perfect accuracy; and from the average of the annual assays made before the commissioners, the inference is authorized, that, after the experience of the first few years, the coinage of the whole subsequent period, if it could be at once examined as issued from the mint, would present an average not deviating in any appreciable degree from the exact requirements of the law.

In regard to gold, experiments on this point, on a very extended scale, have occurred under the new ratio of gold to silver. Large amounts of the gold coins of the United States of the former standard, which, having been in the vaults of the various banks, had suffered no waste from attrition, have been presented at the mint for recoinage, and in every instance their conformity, both in weight and fineness, to their proper standard, has been found almost perfectly exact. In one instance of a single deposite of nearly half a million of dollars, no sensible deviation from the appropriate weight and fineness could be detected.

In contemplating the above procedure, and its importance to the uniformity and precision of our metallic currency, the first impression suggested by the proposition to establish branches of the mint is associated with a feeling of anxiety in regard to its influence on this delicate feature in the system of our national coinage. It will, however, it is to be presumed, be regarded as indispensable, that the system shall embrace such an organization as may assure to the public an entire concert in regard to this vital concern, so that a coin emitted from any branch of the establishment shall be truly a coin of the United States.

The value of a proper organization in this respect may be usefully illustrated by referring to an example of the evils which result from the want of it, and of its efficiency for the object in view where it prevails.

The character of the Spanish dollar, a coin familiar throughout the world, has long been so well established, that an actual assay thereof had ceased to be regarded as necessary when offered at the mint. Those coins were issued at Madrid, and other cities of Spain, and at various mints dispersed through the Spanish dominions in America. By what precise system of responsibility their constancy to a given standard was formerly secured, the means have not been at hand to ascertain. The effects, however, of the absence now of a proper relation to some central control are signally manifested in the various issues of those coins, under the authority of the new States of Spanish America. During some years after the royal authority had ceased in those countries, the deviation of their coinage from the Spanish standard was not important. The real standard was evidently aimed at, and on an average maintained. But, within the last three or four years, very sensible irregularities are becoming apparent, with an evident tendency to deviate more frequently below than above their former standard. The coinage of the city of Mexico adheres still, on an average, very nearly to the fineness of the Spanish dollar, with more irregularity, however, than formerly, in emissions of the same date, while the provincial mints of the Mexican States exhibit deviations exceeding two per cent., and on an average, within the last two years, their issues are nearly half per cent. inferior to their appropriate value. The silver coins of Peru, Central America, and Chili, maintain their value well, and even incline, according to recent assays, to exceed that of former years; while the dollar of La Plata, of recent coinage, vibrates between 94 and 97 cents, and the dollar of Colombia, according to the average of the specimens exhibited at the mint, scarcely exceeds 75 cents in intrinsic value. The gold coins of the Spanish American States generally have also declined below the proper standard nearly the half of one per cent.

In France, where the system of branch mints prevails, we have an example of a different aspect. Before the revolution, it appears that there were about thirty mints in France. By the latest authority to which access has been had, the number appears at present not to exceed ten. The coinage of the several mints is distinguished by a letter of the alphabet assigned to each: that of Paris bearing the letter A. The coins of France are very nearly uniform in fineness and in average weight. No difference has been noted here in the issues from the different mints. The method of securing this uniformity is given in the Encyclopedie Methodique, and, in few words, consists in a relation established with a central commission associated with the mint at Paris; to which place reserved pieces of coin are forwarded periodically for examination.

The special regulations by which the proper relation to the central mint might be maintained here, would of course be carefully digested in any bill which the committee might report, if the establishment of branch mints should meet their approbation. It is not supposed to be in place to advert more particularly to this topic now.

Assuming, therefore, that an entire uniformity in the issues of the whole mint establishment will be secured by adequate provisions, the question submitted would seem to be resolved into one of expediency, in regard to the extra expenditure which the proposed system might involve, compared with the additional benefits to be derived from it.

In pursuing this aspect of the inquiry, it seems necessary to offer a conjecture as to the amount of coinage which might be estimated on from the present mint alone, in a given series of years, with the annual expense accruing; and also as to the additional production from the mint, by diffusing the coining power in the manner proposed, with the additional expenditure incident to this arrangement.

The amount coined in the past year has been about three and a half millions of dollars in silver. There is no indication that the amount of silver offered for coinage within the present year will exceed four and a half millions. The coinage of gold within the last five months of the past year would indicate, considering this fact alone, a supply for coinage within the present year, of about eight and a half millions. That this sum in gold will be actually offered for coinage within the year, appears very questionable. If, however, the amount above mentioned, both of gold and silver, be regularly supplied, the whole, it may be cursorily stated here, can be coined within this period, by the existing establishment, with the power designed for the present year.

In regard to silver, it appears, from documentary statements, that it exists in very large abundance in the United States, in the form of foreign coins recently introduced. These are, however, with exceptions of no moment, a legal tender. The charge of their transportation to and from the mint restrains, moreover, very sensibly, the amount offered for coinage from quarters a little remote, and the trivial gain to be derived, now, from the coinage of that class of the dollars of Spanish America which are most abundant, is but little regarded in countervailing this expense.

With respect to gold, it is to be remarked that, of the coinage of the last five months of the year, from which the abovenamed amount of eight and a half millions has been deduced, more than one million consisted of our own coins of the former standard, which reduces the proportion received from sources hereafter to be relied on to about two and a half millions, and the proportional amount for the year to about six millions.

That the whole coinage of the present year, therefore, will amount only to little more than ten millions, of which about four and a half millions will consist of silver, and nearly six millions in gold, seems highly probable, though in various ways the calculation is liable to error, even as regards the current year. It is with still less assurance that the calculation can be carried forward to a series of years. Peculiar circumstances have directed, during the past season, an unexampled supply of the precious metals to the United States, and the existing rate of our foreign exchange tends to retain them for the present. The whole aspect of our commercial relations favors, too, an expectation that this condition of things will not soon be so far changed as to create an export thereof beyond the current receipts, though their actual accumulation may be greatly diminished, and occasionally suspended. For the purpose of comparing the present with the proposed system, therefore, it may be assumed that, for the period of ten years, the amount of ten millions in gold and silver will be annually coined.

It is to be observed, that the amount of coinage estimated on as above for the period named, may be constituted of very different proportions of gold and silver from that supposed probable during the present year. The accumulation of silver in the United States within the last year, that is, the excess of the imports above the exports, it appears from the tables lately furnished by the Department, has been nearly fourfold greater than the accumulation of gold; and it is worthy of observation, as tending to a conclusion of no trivial interest, that the proportion of silver to gold is nearly three to one during the period following the 30th September.

The act of Congress, changing the ratio of gold to silver, passed on the 28th June, from which date up to the latest period of December, of which the returns are before the public, the interval has been sufficient to have evinced, to a very considerable extent, its influence on the introduction of gold into the United States, and the proportional introduction of gold and silver. The great disproportion, under these circumstances, not only between the importation of gold and silver, but also between that of gold in the form of bullion and in coins, is entitled to special notice; the latter being threefold greater than the former. That part of the amount consisting in gold coins, it is to be observed, also, must have come chiefly from Europe, it being obvious that the whole class of doubloons, which would be the principal form of gold coin derived from other quarters, possess a value in commerce by tale, which places them beyond the reach of our ratio of gold to silver, or that of any of the nations of Europe. In conformity with the result here alluded to, is the fact exhibited in the late annual report of the mint, that the whole amount of gold received for coinage within the past year from Mexico, South America, and the West Indies, was only $225,000, which forms a very inconsiderable item of the year's coinage, though exceeding by about $140,000 the amount for the preceding year.

The inferior proportion of gold, compared with that of silver, derived by importation from what may be called original sources, is further exemplified in the amount imported into New Orleans, which, it appears, amounted, between the 30th September and 13th December, to only $260 in gold, while the import in silver exceeded $1,000,000. The importation into New Orleans for the year ending 30th September was in gold about $83,000, and in silver about $5,600,000. The new ratio of gold to silver having, however, been actually established during only two months of that period, the indication is less instructive than that suggested by the importation since September 30th.

On the whole, the conjecture is strongly suggested by the above circumstances, and by the disproportionate quantity of gold to silver produced from the foreign mines, that even the reduced amount assumed as the proportion of gold in the estimated coinage of the current year, viz: $6,000,000, may not be realized in the coinage of the following years; and that if, during the series in contemplation, of ten years, the average coinage shall amount to $10,000,000 yearly, the proportion of gold to silver will probably be reversed, so that, of the average annual issues during a considerable portion of that period, about six millions may consist of silver, and four of gold. This estimate of the proportion of gold will also be probably too great, unless about two millions of the average annual amount shall be derived from the gold region of the United States; leaving two millions annually to result from the accumulation of gold imported from abroad, which may be regarded as at least one-fourth of the annual productions of gold from the mines of Europe and America, exclusive of the United States, within the same period. If, from the gold region of the United States, the amount should exceed, on an average, for the whole period, two millions annually, which is highly probable, the proportion will be to that extent changed, and the aggregate so much increased, without, however, disturbing the conclusion to which the calculation tends, as far as the question of branch mints is involved; the expediency of which derives much of its force, in regard to the positions on the seaboard at least, from the tendency of the importation of the precious metals to consist much more largely of silver than of gold.

It is acknowledged that these calculations are exceedingly liable to error; liable, perhaps, also to the surmise that they are adopted with less hesitation, as harmonizing with impressions previously entertained and expressed on a former occasion, that, in order to metallize our currency to the extent which seems desirable, and to effect this without lessening the volume of the circulating medium, it is necessary that silver should be relied on to perform an important share in the procedure. I am not insensible that opinions adverse to this are entertained and supported by authorities entitled to the highest respect; my own views, however, which you have requested, would be useless in the present inquiry, if not distinctly presented.

Supposing, then, an annual coinage of ten millions for the next ten years, of which six millions shall be silver; and dismissing, at present, the suggestion, not unlikely to arise, that, whatever assignable amount of bullion may be reasonably calculated on to be offered for coinage at a single position, a larger amount might result from a diffusion of the coining power, it will be useful to compare the expenditure at a single point with that under the proposed system of branches.

It has before been stated that four and a half millions of silver and eight and a half of gold could be coined at the present mint with the power contemplated for the current year. It is proper to add that, if the amount of silver were six millions, and that of gold four millions, the coinage would be effected within the same period by the employment of about the same force, and the deliveries of coins restricted within the limits of from thirty to sixty days, if the bullion were regularly supplied.

The annual expense at the present mint on a coinage of the above amount, and consisting of the proportion of gold and silver above assumed, could not be justly estimated at less than eighty thousand dollars, including wastage. If it be now supposed that two branches of the mint be established, viz: at New Orleans and New York, adapted to the coinage of both gold and silver, and the latter chiefly, and one branch in the gold region of the United States, appropriated for the special coinage of gold, the best estimate I have been able to make, after careful consideration, and conferring with the officers of the mint most familiar with the subject, is, that for the aggregate coinage above contemplated, the expenditure at the present mint, and the two branches first alluded to, would be thirty-five thousand dollars each, and at the branch exclusively appropriated for gold coinage, fifteen thousand dollars. A conjecture may be offered, also, which would probably be a near approximation to the truth, that, if the average amount of coinage for the period in question should be ten millions annually, the aggregate at the end of the period would be nearly the same at each of those four positions.

The above estimate exhibits an increase of annual expenditure, under the branch system, of forty thousand dollars.

Without presenting any calculation founded on the basis of a different amount of coinage, it is proper to observe that several have been made, but with results as to the amount of extra expenditure too nearly assimilated to the above to require specific detail, the difference being without interest on a question of this moment. It appears, therefore, that for any assignable amount of coinage which the present establishment is competent to, if the system of branches be adopted, and embrace the three positions referred to, the annual expenditure would be increased by about the above sum.

The foregoing estimate of expenditure proceeds on the supposition of a coinage free of charge, provided the depositor shall choose to wait the delay of the mint, according to the liberal provisions of the act of 1792. It is, however, to be acknowledged that the arguments in favor of this principle would be much weakened if a distribution of the coining power be resorted to; the easier access to the mint, resulting from this arrangement, would, in respect to a large portion of the community, be more than an equivalent for a moderate charge at the mint.

It is to be observed that the absolute expense of the mint establishment is subject to a deduction to the amount of the gain on the copper coinage, which may be estimated, for the period named, at ten thousand dollars yearly; leaving the effective expenditure, under the present establishment, seventy thousand dollars for the amount referred to, and including branches, one hundred and ten thousand dollars. Copper is furnished for coinage by the United States, and the coins are forwarded to all parts of the Union, within the range of ordinary means of transportation, at the public expense and risk; and hence it would seem questionable whether the diffusion of the coining power would increase to any important extent the amount distributed in these coins.

Thus far the assumption has been followed, that the amount of gold and silver coined under the present system and that of branches would be the same; it seems, however, very manifest that the aggregate amount would be greater under the latter. The excess would, in an especial manner, apply to the coinage of silver, but in a sensible degree also, it is believed, to that of gold. It may indeed be reasonably doubted whether the average annual amount assumed as the basis of the foregoing estimate would be offered for coinage at any one point of the United States during the next ten years. The probability, however, is strong that, under the system of branches, the whole amount of coinage for the period in view would exceed the estimate.

That the effect of the establishment of a branch of the mint at New Orleans would be very sensibly felt in increasing the aggregate of coinage, especially in silver, may be readily imagined from referring to the tables before mentioned, of the imports and exports of coins and bullion, which show that a very large proportion of the whole accumulation of the precious metals in the United States, within the period they embrace, has been received through that port, while the expenses necessarily accruing on an intercourse with the mint, from that quarter, forbid the expectation that any considerable deposite of bullion, in any form which can otherwise be rendered available, will be derived from thence.

The freight and ensurance on specie, from New Orleans to Philadelphia, may be estimated at from one to one and a quarter per cent., and the same on the return of the coins, thus making from two to two and a half per cent. The delay incident to the double transportation alone would be equivalent probably to three-quarters of one per cent., so that the whole effective charge may be about three per cent.

The sum of the impediments to an intercourse with the present mint, pertaining to the gold region of the South, arising partly from distance, and still more, perhaps, from the indirectness of the channels of access, may be estimated at about the same per centage as in the case of New Orleans.

The inconvenience experienced by New York is of a much less onerous character. The charge of freight, including the return of the coins, does not, it is believed, exceed the tenth of one per cent.; the time required for the transportation is reduced to a few hours, not generally exceeding eight; ensurance, it is understood, is rarely resorted to. The consideration of risk, however, is not to be wholly left out of view in such an estimate, but may perhaps reasonably be valued, together with the transportation, and incidentals not easily enumerated, at one-third of one per cent. as the measure of the difference between New York and Philadelphia in regard to the facilities of the mint. This seems to be the full measure assignable in terms, but practically it is presumed that more copious deposites would be made for coinage even under a charge of half per cent. at a branch in New York, than would be forwarded from thence to the present mint, subject to the incidents, of whatever character, pertaining to the double transportation to and from Philadelphia.

Our experience strongly indicates the effect of distance to be disproportioned to the actual charge for transportation, in restraining deposites from coming to the mint. The delay of coinage, it is believed, exerts, in this respect, less influence than has been supposed. It has been practicable, at all times, within the last ten years, to commute this for prompt payment at half per cent., mint certificates having uniformly, within that period, been readily cashed in this city at that deduction, generally by some of the city banks, and invariably by the Bank of the United States.

In estimating the expenditure required to erect suitable structures, and complete the necessary combinations of machinery for the several branches contemplated in the resolutions, no safer basis suggests itself in regard to those positions, severally, where the coinage of gold and silver, and more of the latter than the former, is to be provided for, than to take the example of the present mint, for the erection of which, including the site and the machinery, the aggregate sum of $198,500 was appropriated; say, in round numbers, $200,000. In regard to an establishment appropriated for the coinage of gold alone, the sum of $50,000, it is presumed, would be competent to its completion.

In the determination of the positions to be occupied, in the event of the principle of branches being adopted, no question, it is presumed, will arise as to the force of the considerations which indicate New Orleans as the first. If the establishment of another branch on the seaboard be approved, the selection of New York would proceed less, it is presumed, on an estimate of the existing impediments to her intercourse with the present mint, than on a perception of the value of that position to the policy of enlarging our yearly coinage, and to a prompt and wide diffusion of the national coins. The facilities of New York as a receiving port, and not less as a centre of extended distribution, render it probable that, next to New Orleans, a branch of the mint in that city would contribute the most efficient aid in accomplishing the purposes of the mint establishment. After deducting from the amount of imports of the precious metals at New York, as exhibited in the tables, that proportion, it is presumed a very large one, due to the capitalists of Philadelphia, a residue will remain, proper to that city, transcending by far the amount imported at any other point, New Orleans excepted.

In regard to the gold district of the Southern States, a proposition has, on several occasions, been presented before Congress for the establishment of assay offices in various sections of that region. To some extent these would seem desirable, but, practically, it is believed, their advantages would be found much inferior to the anticipation entertained, and liable also to some embarrassment, as the bars of bullion assayed thereat would be subject to a further assay on their arrival at the mint. An establishment for performing the operations of coinage would, however, manifestly promote the interests of the locality selected, and be sensibly felt, it is not doubted, over an extended portion of the gold district. On this topic it is proper to observe, that the gold of the Southern States, before reaching the mint, is liable to be diverted from the purpose of coinage, to be employed in the arts; for which latter purpose it is more desirable than our gold coins of the present standard.

As before remarked, mint certificates have been regularly cashed by the banks in Philadelphia at half per cent. during the last ten years. So that although no fund had, until within the last six months, been assigned for this purpose by the Treasury Department, and, therefore, the deduction for prompt payment has not accrued to the public, yet, as far as the depositor has been concerned, the advantage of prompt payment of the value of his deposite, at the deduction aforesaid, has been equally available when he has preferred it to the delay of coinage. This delay, which, under the pressure of an unusual supply of bullion, has been more than ordinarily extended within the past year, may be considered as commonly varying between thirty and sixty days. A delay, extending to even a longer period, it may be remarked, however, is less regarded by the larger depositors of bullion, who are usually the banks, than the charge of half per cent. The fact has been manifested frequently within the last year, that those institutions sustain a delay even of four months, in preference to the above deduction for prompt payment. An instance has very rarely occurred of prompt payment at half per cent. being preferred to the mint delay by any bank, for a deposite of silver; in a few instances, for the purpose of procuring promptly the new gold coins, it may have occurred in regard to a gold deposite.

The above fact may be regarded as of some value in estimating the effect of even a small charge at the mint, in lessening the amount of deposites. Since it appears that the largest depositors prefer a long delay to a deduction of half per cent., the inference is suggested, that, if the charge of half per cent. be made absolute, though connected with prompt payment, the amount of deposites would be sensibly diminished, especially if the coining power remain concentrated at one point.

In connexion with this effect of even a small charge at the mint, to restrain deposites, it is to be remembered that the Government furnishes no gold or silver for coinage. So far as the currency has been supplied with gold and silver coins of the United States, it has resulted from deposites spontaneously offered at the mint. On this principle rests, in some measure, it may be observed, the expediency of the provisions making certain foreign coins a legal tender—a measure which will still, it is not doubted, approve itself to the judgment of Congress, until, by such means as shall be adequate to the effect, the issues of the mint shall have supplied the community with a copious national coinage.

In estimating the general influence on the accommodation of the community, to be anticipated from the system of branches of the mint, it is proper to notice the effect to be produced in extending a competent supply of the denominations of our silver coin subordinate to the half dollar. On a late occasion, the opportunity was embraced to express some concern as to the waste of those coins, by exportation or consumption in the arts. No other explanation presents itself of the fact that so small a proportion of those denominations appear in circulation. Within the last six years, the number of dimes and half dimes, issued from the mint, would suffice to have placed about four pieces of each in every family in the United States, and yet it seems obvious that that there is not one of each, on an average, in every family. On the occasion alluded to, the expediency was submitted of exacting a seignorage from the weight of the silver coins of less denomination than the half dollar, limiting, at the same time, their employment to payments of very small amount. The efficiency of a seignorage, applied in this manner, to retain in circulation such coins as are thus restricted to small payments, appears as obvious as would be its inutility for that end, if applied to coins which constitute the general legal tender, and thence the measure of value for all other things. The introduction, however, of any anomaly into our coinage, is regarded with little satisfaction; and while the question of a diffusion of the coining power is under consideration, I forbear to solicit the further attention of the Department to the measure referred to. The experience of another year, within which a larger issue than usual of the coins mentioned is designed to be made, will, at all events, be instructive in regard to the tendency of those coins to be diverted from their proper use; and should it be the pleasure of Congress to adopt the principle of branches, the addition to the whole expense of the establishment, by an issue of small coins so copious as to be affected but very insensibly by the waste alluded to, would be too trivial an item to merit consideration.

The general aspect of the preceding remarks is in favor of free coinage, subject to no charge at the mint exceeding the half of one per cent., as an equivalent for prompt payment. This, if the measure of branch mints be adopted, and combined with immediate payment in coins of the preferred denominations, would, it is presumed, very slightly restrain the amount of deposites. The arrangement would not involve the necessity of assigning a large amount of the public funds for the object, at any one point, while the aggregate of the sums thus retained would approximate near to one-half of the expenses of the mint, and, with the gain on the copper coinage, might be regarded as certainly covering one-half, leaving the absolute burden on the public treasury for the whole mint establishment, under a system of branches, at about $60,000.

If, when the currency shall have been well supplied with the national coins, in a due proportion of the several denominations, a question should arise as to the expediency of a charge on coinage, adequate to the whole expense of the establishment, the force of those considerations which now recommend the policy of soliciting bullion to the mint by the most liberal facilities will have been sensibly impaired.

I have the honor to be,
Very respectfully, your obedient servant,
SAM. MOORE, *Director.*

Hon. Levi Woodbury,
Secretary of the Treasury.

COMMERCE WITH CUBA AND PORTO RICO.

Washington, *January* 29, 1835.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, upon the subject of a resolution of the 22d instant, which was referred to that officer, together with the papers referred to in the said report.

ANDREW JACKSON.

Department of State,
Washington, January 29, 1835.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 22d instant, requesting the President, "(if not inconsistent, in his opinion, with the public interest,) to communicate to that House any correspondence that may have taken place between this Government and that of Spain, respecting the act of Congress, passed on the 30th day of June, 1834, entitled 'An act concerning tonnage duty on Spanish vessels;' and also any information in his possession going to show whether there is any prospect that the commerce of the United States with the islands of Cuba and Porto Rico will hereafter be regulated upon principles of reciprocity, or whether it is in contemplation by the Spanish authorities to increase or reduce the discriminating duties of tonnage, and the discriminating duties on imports and exports, now levied on American vessels, and on American merchandise and produce," has the honor to transmit a copy of all the correspondence that has taken place between this Government and that of Spain, in relation to the act mentioned in the resolution; which, together with the extracts from the despatches of Mr. Van Ness, the minister of the United States at Madrid, herewith also transmitted, contains all the information on the files of the Department coming within the scope of the said resolution.

JOHN FORSYTH.

To the President *of the United States.*

[No. 63.] Department of State,
Washington, July 28, 1834.

Sir: The bill, of which a copy was sent with the despatch from this Department, of the 30th of May last, (No. 61,) and which you were informed was then under the consideration of Congress, for countervailing the discriminating duties in Cuba and Porto Rico, was finally passed, without amendment, and received the President's approval on the 30th ultimo.

For the purpose of affording ample time for the Spanish Government to repeal or modify those duties, so that they may cease to act injuriously upon the navigating interest of the United States, the operation of the act is postponed to the 1st of March, 1834.

Within that interval, it is hoped that the renewed representations which the President desires you to make, and for which you will have found useful materials in the papers accompanying the despatch referred to, will have satisfied the Spanish Government of the injustice and impolicy of the measure which the United States have been finally compelled to counteract.

The commerce between the United States and those islands is of great importance to both. The United States desire no advantage from it, to the exclusion of Spain; but they cannot consent that Spanish capital and industry shall be employed in it, to the exclusion of those of the United States. If the discrimination be removed, so that each may engage in the trade on equal terms, it may be expected that neither will have more than its fair proportion of the tonnage employed in it.

It is true that the same result might follow, if the Spanish duties should be countervailed by those of the United States. The policy of the United States, however, (and it is a policy pursued not merely for their own benefit, but for that of all nations,) is to remove, and not to add to, the burdens of commerce. But, in this case, a much more important question is involved. Would the commerce bear this double burden?

Owing to the relative geographical position of the United States and the islands of Cuba and Porto Rico, and to the nature of their productions, the trade between them is one that may be carried on to a great extent, and with great mutual benefit. It will prove a subject of lasting regret on both sides if it should suffer any serious injury; and yet such is the inevitable tendency of this war of duties. But, though advantageous to both, it is believed that those colonies will suffer more from its interruption than the United States. It is true that each party desires a market for those articles which it now disposes of to the other. But where are those islands to find such a market as the United States, where the demand is so great, the supply so easy, and the returns so prompt? On the other hand, the productions of tropical countries have become so abundant, that they may be obtained by the United States almost as easily, and on as good terms, elsewhere; while it would be difficult for those colonies to obtain so advantageously from others the supplies which are now furnished by the United States.

As Spain is now under the guidance of wiser councils than heretofore, it may be expected that juster views will be taken by the Spanish Government of this subject. It is vain for nations, in these enlightened times, to seek advantages at the expense of others by means of discriminating duties. Such attempts will be met, though it may be tardily, as in this case, with retaliatory duties; and the commercial competition throughout the world is now so active, that a commerce, thus unwisely burdened, soon falls behind.

It is hoped that Spain, better informed upon these subjects, and following the example of neighboring Powers, will see that the time has arrived when she can no longer enjoy those exclusive advantages which she promised herself from her system of discrimination, and that the best interests of those invaluable colonies now require that the same principles of liberal commerce which have been admitted in the trade between the United States and the mother country should be extended to the trade with them.

By the President's direction, I have already communicated to the Spanish minister at Washington a copy of the act, accompanied, as you will see, by the enclosed copy of my note, with such explanations and assurances as appeared proper to prevent misapprehension.

It is the President's desire that you should also communicate a copy to the Spanish Government; and that you will, at the same time, explain fully the necessity which the United States were under of adopting countervailing measures to protect the important interests of their citizens.

You will state the reluctance with which they have resorted to them, even after the many fruitless representations which have been made to the Spanish Government. You will point out how scrupulously they have taken care to preven their measures from going beyond mere self-defence, by making the countervailing duties exactly the same as the discriminating duties. You will express the hope they still entertain that the Spanish Government may, by a change of its measures, yet render the law unnecessary; in expectation of which they have postponed its operation until March next; and you will show their earnest desire, even if that hope should be disappointed, to keep the door always open to a better state of things; for which purpose they have directed that the law shall cease to have effect whenever the discrimination shall cease, or when a satisfactory arrangement may be made on the subject.

You will bring the subject before the Spanish Government in such a manner as befits its importance, and as suits the friendly relations between the two countries. You will urge, with such arguments as your own knowledge of the subject, and of the President's views respecting it, may afford, the complete removal of the discriminating duties; but if that cannot be effected, you will endeavor to have the utmost possible reduction made in the number and rates of those duties.

The President also desires that you will repeat to the Spanish Government the assurance given to Chevalier Tacon, that if, contrary to his hopes and expectations, it should persist in its discrimination, and the law should thus necessarily go into operation, it will nevertheless give him pleasure, at any future time, to exercise the power with which he is vested, for the discontinuance of the act whenever the measures of Her Catholic Majesty will justify him in so doing.

Another printed copy of the President's message and report of the committee, which accompanied the despatch No. 61, already referred to, is enclosed.

I am, sir, with great respect,
Your obedient servant,
JOHN FORSYTH.

To Cornelius P. Van Ness, Esq.,
Envoy Extraordinary and Minister Plenipotentiary of the United States, Madrid.

Extract of a despatch received at the Department of State from Mr. Van Ness, minister of the United States at Madrid.

Legation of the United States,
Madrid, October 10, 1834.

Sir: I have the honor to forward, herewith, a copy of a note addressed by me to Mr. Martinez de la Rosa, in pursuance of the instructions contained in your despatch No. 63, of the 28th of July last, on the subject of the trade between the United States and the islands of Cuba and Porto Rico.

Your despatch so fully embraced the argument, and it appeared to me to be so well calculated to have weight with this Government, that I deemed it more advantageous to communicate a translation of it to the minister than to furnish the arguments as from myself.

I have not as yet been able to obtain an answer, nor any indication as to what probably will be the decision of this Government. I hope, however, soon to learn something respecting the matter in question, and will advise you accordingly. * * * *

Hon. John Forsyth,
Secretary of State.

Note addressed by Mr. Van Ness to Mr. Martinez de la Rosa, the Spanish Minister of Foreign Affairs.

Legation of the U. S. of America,
Madrid, September 20, 1834.

Sir: In consequence of instructions recently received from the President of the United States, it has become my duty to make one more communication to Her Majesty's Government on the subject of the trade between the United States and the islands of Cuba and Porto Rico.

The inequality, and, as it is conceived, injustice of the Spanish regulations in relation to the trade in question have been heretofore fully and repeatedly represented by me, and they were ultimately summed up in the note which I had the honor to address to your excellency on the 24th of April last. It can scarcely be necessary to add, that not only have all my remonstrances been unavailing, but that the measures complained of have even been augmented by the late royal order respecting the importation of flour into the islands above mentioned.

Under these circumstances, the Government of the United States has found itself obliged to pass a law relating to the matter, which I have been directed to communicate to Her Majesty's Government, together with the motives upon which the act has been founded; and it appearing to me that no explanation can be made so clearly and satisfactorily as by furnishing a translation of the whole of the despatch containing the instructions mentioned, I have concluded to adopt that course: your excellency will accordingly receive, with this note, translations of the law and the despatch in question.

There is one point which I ought to notice at this time. Contrary to what I had been led to believe, I find that, according to the representations of the consul of the United States at Ponce, in the island of Porto Rico, the vessels of the United States are not on a footing with other foreign vessels, as it respects the tonnage duty exacted at that island; but that the former pay $1 per ton, while the latter pay only 62½ cents, equal to 5 rials de plata. If this is correct, it is an inequality which certainly ought to be abolished.

In conclusion, I earnestly beg that Her Majesty's Government will take this important subject into consideration as soon as may be possible; and I flatter myself that, if considered in a proper spirit, (which I have no doubt will be the case,) we shall be able to come to some arrangement, alike satisfactory and advantageous to the two countries.

Renewing to your excellency the assurance of my sincere respect and esteem,

I have the honor to remain
Your exellency's obedient servant,
C. P. VAN NESS.

Mr. Van Ness to the Secretary of State.—Extract.

Madrid, *October* 21, 1834.

* * * * I have this day had an interview with the Minister of Finance, and have pressed him to do something that may avoid the approaching state of things in relation to our trade with the Spanish islands in America. He has assured me that he will turn his attention to that matter as soon as possible; but I must confess I have no great hope of any change taking place for the present. The truth is, the attention of the ministers is so entirely absorbed by the critical state of the internal affairs of this country, that there is little or no prospect of their seriously taking into consideration the real state of the trade in question. I will, however, continue my exertions, and regularly advise you of all that passes on the subject. * * * * * *

Mr. Van Ness to the Secretary of State.—Extract.

Madrid, *November* 20, 1834.

* * * * * *

* * I am still pressing the question of our commerce with the Spanish islands, and hope soon to have an answer, though there is little hope of its being favorable. * * * * * *

Mr. Forsyth, Secretary of State, to the Chevalier Francisco Tacon, Envoy Extraordinary and Minister Plenipotentiary from Spain.

Department of State,
Washington, July 25, 1834.

Sir: With a view to place the trade between the United States and the islands of Cuba and Porto Rico upon the same footing in Spanish vessels as in American vessels, Congress, at their last session, passed a law, of which I have the honor to transmit a copy. It is entitled "An act in addition to the act passed on the 13th of July, 1832, entitled An act concerning tonnage duty on Spanish vessels," and was approved on the 30th of June, 1834.

It is universally known that the commercial policy of the United States towards other nations is one of the most liberal reciprocity, and it is equally well known that they have long entertained towards Spain the most friendly sentiments. Her Catholic Majesty may, therefore, be assured that, in resorting to a measure which may by possibility add to the burdens already too great upon the commerce between the United States and the islands of Cuba and Porto Rico, the American Government has yielded only to the paramount obligation of self-defence. The President hopes, however, that, under the enlightened guidance of Her Majesty the Queen Regent, the Spanish Government will (if, indeed, it has not already done so) consent to such modifications of its duties upon the commerce carried on between the United States and those islands, as are required by the interests of both countries, and as will render the law unnecessary.

It will be perceived that Congress, in passing the law, has looked forward to such a result. That ample time may be afforded for a full examination of the subject, it has postponed the operation of the law until the 1st of March next, and has, moreover, provided, that whenever the discriminating duties shall have been abolished, or whenever a satisfactory arrangement upon the subject shall have been made, the act shall cease to have effect. I am directed by the President, in communicating the act to you for the information of your Government, to accompany it with the assurance that it will afford him great satisfaction to exercise the power vested in him, whenever Her Catholic Majesty adopts the measures necessary to justify it.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN FORSYTH.

Chevalier Tacon to Mr. Forsyth.

[translation.]

Spanish Legation,
Philadelphia, July 28, 1834.

Sir: I will instantly communicate to my Government the contents of the note which you were pleased to address to me under date of the 25th instant, and * * * the law entitled "An act in addition to the act passed on the 13th of July, 1832, entitled An act concerning tonnage duty on Spanish vessels," which was approved on the 30th June last, of which you enclosed me a copy.

I avail myself of this occasion to repeat to you, sir, the assurance of my most distinguished considera tion.

God preserve you many years.

Your most obedient servant,
FRANCISCO TACON.

DUTIES AT PORTO RICO.

Department of State,
Washington, Feb. 24, 1835.

Sir: I have the honor to transmit, for the information of the Committee on Commerce, a copy of a letter from the consul at Ponce, dated the 9th instant, and an extract of a letter from the commercial agent at Guayama, dated the 10th ultimo, relative to an increase of duties at Porto Rico, operating greatly to the disadvantage of American commerce with that island.

I have the honor to be, sir,
Your obedient servant,
JOHN FORSYTH.

Hon. Joel B. Sutherland,
Chairman Com. on Commerce, Ho. of Reps.

Copy of a letter from Hopeful Toler, Esq., Consul of the United States at Ponce, Porto Rico, dated Washington, February 9, 1835, *to the Secretary of State.*

Sir: I have the honor to submit to you the accompanying abstract of duties recently levied on articles, all of which, you will observe, are products or manufactures of the United States, imported in foreign vessels in Porto Rico, from and after the first day of the present year.

It will be seen by the comparative statement comprised in the abstract, that there has been a material increase of duties on sundry articles, amounting, in important cases of lumber, to more than three hundred per cent.!

My agent, in whose charge I left the consulate at Ponce, was unable, at the time of transmitting the abstract to me, to state any particular motive for this augmentation of duties, which, he says, has been made by the superior authorities of Porto Rico, resident in St. John, the capital of the island. It not appearing that the new tariff has been adopted to countervail, or at all in reference to the prospective operation of the act of Congress passed at the last session, concerning tonnage duty on Spanish vessels, which is to take effect on the 1st of March next, I am inclined to believe that the measure has not orignated in any new order or authorization from the Queen of Spain, but that it is wholly of a municipal character, in virtue, as I suppose, of delegated discretionary powers from the Crown, of long usage in Havana. It is, nevertheless, highly discriminating and injurious to our valuable commerce in Porto Rico; and I hasten to lay the subject before you.

It may be proper to state that there has been some reduction of duties on exports in Porto Rico, of the extent of which I am, as yet, uninformed. This, however, must be an unimportant affair, compared with the enormous additional duties imposed on lumber and provisions, which, it is known to you, are the most considerable articles of export to the island, and they are those which are most deeply affected by the new tariff to which I have referred.

The interests of our merchants who trade at Porto Rico now address themselves with greatly augmented force to the interposition and protection of the Government of the United States, in its continued zealous efforts to effect an accommodation with Spain, of our commercial intercourse with the islands of Porto Rico and Cuba, upon fair principles of reciprocity.

It is very desirable that speedy relief should be given to our commerce and navigation in the Spanish West Indies; but whether the act of Congress of the 30th June, 1834, will afford this relief, is, I take leave to say, very doubtful. If further immediate legislative enactments would remove the heavy burdens on that commerce, without grievously interrupting or annihilating it, is also a question involved in difficulty, which it is becoming for me to leave to the wisdom of yourself and others to investigate and decide.

Permit me, though respectfully, to add that, in my humble judgment, the whole matter is one that powerfully claims the prompt, vigilant, and serious attention of the Government. Such, doubtless, will be your enlightened view of it.

I have the honor, &c.
HOPEFUL TOLER.

Import duties at Ponce, Porto Rico, for the year 1835.

ARTICLES.		Old valuation.	Old duties.	New valuation.	New duties.
Flour,	barrel	–	$4 56	$12 50	$5 08
Corn meal,	"	$3 00	60	4 00	98
Rice,	quintal	3 50	47	4 00	98
Mackerel,	barrel	4 00	76	4 00	73¾
Codfish,	quintal	3 00	62	3 50	64½
Pork,	barrel	12 00	1 77	12 00	2 21
Beef	"	6 00	1 01	6 00	1 10
Herrings,	"	3 00	60	3 00	56
Cheese,	quintal	10 00	1 83	10 00	2 45
Lard,	"	13 00	2 43	12 50	3 06
Butter,	"	13 00	2 18	12 50	3 06
Mould candles,	"	15 00	1 92	12 50	2 30
Sperm candles,	"	30 00	5 33	30 00	5 54
Hams,	"	9 00	1 30	10 00	2 45
Smoked herrings,	box cwt	50	7	50	73
Potatoes,	barrel	2 50	32	2 25	42
Apples,	"	3 00	63	3 00	56
Onions,	quintal	4 00	65	3 00	56
Crackers,	keg	50	7	8 00	1 96
Navy & pilot bread,	quint.	12 00	1 52	7 00	1 72
Tongues,	barrel	6 00	89	7 00	1 72
Salmon,	keg	50	9	12 00	2 21
American vinegar,	pipe	35 00	10 22	25 00	6 31
W. P. boards	M feet	16 00	2 83	18 00	3 32
P. P. boards,	"	20 00	3 54	20 00	3 68
Shingles,	M	1 50	27	3 00	54
Staves,	M	15 00	79	20 00	3 68
Hoops,	M	20 00	1 11	25 00	4 61
Tar and pitch,	barrel	2 50	45	3 00	56
Soap, American,	quintal	12 00	6 57	8 00	2 93
Nails, American,	"	8 00	1 25	8 00	1 50
Iron hoops,	"	7 00	41	4 00	74
Turpentine,	barrel	4 20	75	12 50	2 30
Calf skins,	dozen	18 00	3 37	12 50	2 30
Common hats,	"	30 00	5 30	24 00	5 88
Common chairs,	"	16 00	2 83	15 00	3 68
Shoes, men's,	"	6 00	1 12	15 00	3 68
Shoes, children's, woollen and leather,	dozen	–	28	6 00	1 51
Women's shoes,	"	4 00	56		
Men's slippers,	"	4 00	56	15 00	3 68
Men's brogans,	"	18 00	3 37		
Whale oil,	gallon	37½	9½	63	6
Paint oil,	"	1 00	20	1 00	20
Empty casks,	each	1 00	6	2 00	37
Shooks,	"	50	5	1 00	20

The above duties are exacted in foreign vessels; the same articles introduced in Spanish bottoms pay one-third less, and in Spanish bottoms coming from a Spanish port, one-half less.

Extract of a letter from W. H. Tracy, Esq., Commercial Agent of the United States at Guayama, Porto Rico, dated January 10, 1835.

I have to advise you of an increase of duties by this Government on all articles of lumber and provisions, which makes a difference to American vessels of from thirty to thirty-five per cent. over their former duties. This, together with the difference which they allow to the Spanish flag that trades to St. Thomas, almost amounts to a prohibition of American vessels trading direct to this island. I enclose you a statement of duties on a few articles, showing what we formerly paid, and what we now have to pay, also what a vessel under the Spanish flag pays with the same articles from the Danish island of St. Thomas.

Comparative duties paid by American vessels, in the years 1834 *and* 1835, *with duties paid on the same articles by the Spanish vessels from foreign ports.*

ARTICLES.		American vessels, 1834	American vessels, 1835	Spanish vessels.
		Porto Rico currency.	Porto Rico currency.	Porto Rico currency.
Rice,	per 100 lbs.	47	99	66½
Bread	" "	75	$1 96	$1 31¼
Beef,	barrel -	$1 01	1 10½	74
Pork,	" -	1 74	2 21	1 48½
Candles, tallow,	pr 100 lbs.	1 80	2 49½	1 54½
Candles, sperm,	" "	3 90	5 53	3 71
Flour,	barrel -	3 68½	5 08	4 07
Meal,	hogshead -	2 56	3 92	2 62
Hams,	per 100 lbs.	1 26	3 60	2 45
Hoops,	M -	1 00	4 60	3 09
Lard,	per 100 lbs.	2 37	3 06	2 05
Lumber, W. P.	M -	2 83	3 31	2 22
Shooks and heads	-	5	18¼	12¼
Staves,	M -	1 00	3 68¼	47½
Shingles,	M -	26	55	37

One-fourth of the above duties payable in Spanish gold.

GUAYAMA, P. R., *January* 10, 1835.

WM. H. TRACY.

RELATIONS WITH FRANCE.

WASHINGTON, *February* 25, 1835.

To the House of Representatives of the United States:

I transmit to Congress a report from the Secretary of State, with copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris, or in Washington, except a note of M. Serurier, which, for the reasons stated in the report, is not now communicated.

It will be seen that I have deemed it my duty to instruct Mr. Livingston to quit France with his legation, and return to the United States, if an appropriation for the fulfilment of the convention shall be refused by the Chambers.

The subject being now, in all its present aspects before Congress, whose right it is to decide what measures are to be pursued on that event, I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires.

ANDREW JACKSON.

DEPARTMENT OF STATE,
Washington, February 25, 1835.

The Secretary of State has the honor to submit to the President copies of all the letters received from Mr. Livingston since the message to the House of Representatives of the 6th instant, of the instructions given to that minister, and of all the late correspondence with the French Government in Paris, or in Washington, except the last note of M. Serurier, which it has been considered necessary to submit to the Government of France before it is made public, or answered, that it may be ascertained whether some exceptionable expressions are to be taken as the result of a settled purpose in that Government, or as the mere ebullition of the minister's indiscretion.

JOHN FORSYTH.

To the PRESIDENT *of the United States.*

LIST OF PAPERS.

Correspondence between Mr. Livingston and the Department of State.

Mr. Livingston to Secretary of State,	dated Jan. 11, 1835.
Same to same, (with enclosure,)	dated Jan. 14, 1835.
Same to same, (with enclosure,)	dated Jan. 15, 1835.
Same to same,	dated Jan. 16, 1835.
Mr. Forsyth to Mr. Livingston,	dated Feb. 13, 1835.
Same to same,	dated Feb. 24, 1835.

Correspondence with the French Minister.

Mr. Forsyth to M. Serurier,	dated Feb. 23, 1835.
M. Serurier to Mr. Forsyth,	dated Feb. 23, 1835.
Mr. Forsyth to M. Serurier,	dated Feb. 23, 1835.
M. Serurier to Mr. Forsyth,	dated Feb. 23, 1835.

CORRESPONDENCE BETWEEN MR. LIVINGSTON AND THE DEPARTMENT OF STATE.

Mr. Livingston to Mr. Forsyth.

[No. 70.] LEGATION OF THE UNITED STATES,
Paris, January 11, 1835.

Hon. JOHN FORSYTH:

SIR: Believing that it would be important for me to receive the despatches you might think it necessary to send with the President's message, I ventured on incurring the expense of a courier to bring it to me as soon as it should arrive at Havre. Mr. Beasley accordingly, on the arrival of the Sully, despatched a messenger with my letters received by that vessel, and a New York newspaper containing the message, but without any communication from the Department, so that your No. 43 is still the last which I have to acknowledge. The courier arrived at two o'clock on the morning of the 8th. Other copies were the same morning received by the estafette, and the contents being soon known, caused the greatest sensation; which, as yet, is, I think, unfavorable. The few members of the opposition who would have voted for the execution of the treaty now declaring that they cannot do it under the threat of reprisals, and the great body of that party making use of the effect it has on national pride to gain proselytes from the ministerial side of the Chamber, in which, I have no doubt, they have, in a great degree, for the time succeeded.

The ministers are aware of this, and will not, I think, immediately urge the consideration of the law, as I have no doubt they were prepared to do when the message arrived. Should Congress propose commercial restrictions, or determine to wait to the end of the session before they act, this will be considered as a vote against reprisals, and then the law will be proposed, and, I think, carried. But I ought not to conceal from you that the excitement is at present very great; that their pride is deeply wounded by what they call an attempt to coerce them by threats to the payment of a sum which they persist (in opposition to the plainest proof) in declaring not to be due. This feeling is fostered by the language of our opposition papers, particularly by the Intelligencer and New York Courier, extracts from which have been sent on by Americans, declaring them to be the sentiments of a majority of the people. These, as you will see, are translated and republished here, with such comments as they might have been expected, and undoubtedly were intended, to produce; and if hostilities should take place between the two countries, those persons may flatter themselves with having the credit of a great share in producing them. The only letter I have received from home is from one of my family. This, to my great satisfaction, informs me that the President will be supported by all parties, and I am told that this is the language of some of the opposition papers; but as they are not sent to the legation, I cannot tell in what degree this support can be depended upon. Whether the energetic language of the message will be made the pretext with some, or be the cause with others among the Deputies, for rejecting the law, cannot, of course, be yet conjectured with any great degree of probability, but I think it will have a good effect; it has certainly raised us in the estimation of other Powers, if I may judge from the demeanor of their representatives here, and my own opinion is that as soon as the first excitement subsides, it will operate favorably on the Councils of France. Already some of the journals begin to change their tone, and I am much mistaken if the opposition here, finding that we are in earnest, will incur the responsibility of a rupture between the two nations, which they see must take place if the treaty be rejected. The funds experienced a considerable fall as soon as the message was known, and ensurance rose; in short, it has made them feel the commercial as well as political importance of our country.

The Comte de Rigny had requested me to communicate the message to him as soon as it should be received. This I promised to do; and, accordingly, on the morning of the 8th, to avoid any mistake as to the mode of making the communication, I carried the paper to him myself, telling him that I had received a *gazette* containing a paper, said to be the message of the President, which I delivered to him in compliance with my promise; but I requested him to observe that it was not an authentic paper, nor was it delivered in pursuance of instructions, nor in my official character. I thought it, for obvious reasons, necessary to be very explicit on this point, and he probably understood me, as he had not yet read the message. Little more passed at the interview, and I thought of it, but not immediately, to seek another. I shall probably, however, see him to-night, and shall then appoint some time for a further conference, of which I will, by this same packet, give you the result.

Mr. Middleton has just arrived from Madrid with the inscriptions for the Spanish indemnity, and a draft for the first payment of interest. His instructions are, he says, toleave them with me; but as I have heard nothing from the Department, I shall advise the depositing them with Rothschild, to wait the directions of the President.

The importance of obtaining the earliest intelligence at this crisis of our affairs with France has induced me to direct that my letters should be sent by the estafette from Havre; and that, if any important advices should be received at such an hour in the day as would give a courier an advance of some hours over the estafette, a special messenger should be despatched with it.

I have the honor to be, very respectfully, sir, your most obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

[No. 71.] Legation of the United States,
Paris, January 14, 1835.

Hon. John Forsyth :

Sir: The intended conference with the Minister for Foreign Affairs, of which I spoke to you in my last, No. 70, took place yesterday morning. I began it by expressing my regret that a communication from the President to Congress had been so much misrepresented, in that part which related to France, as to be construed into a measure of hostilities; it was, I said, part of a consultation between different members of our Government as to the proper course to be pursued if the legislative body of France should persevere in refusing to provide the means of complying with a treaty formally made. That the President, as was his duty, stated the facts truly, and in moderate language, without any irritating comment. That, in further pursuance of his official duty, he declared the different modes of redress which the law of nations permitted, in order to avoid hostilities; expressing, as he ought to do, his reasons for preferring one of them. That, in all this, there was nothing addressed to the French nation; and I likened it to a proceeding well known in the French law, (a family council, in which the concerns and interests are discussed,) but of which, in our case, the debates were necessarily made public. That a further elucidation of the nature of this document might be drawn from the circumstance that no instructions had been given to communicate it to the French Government, and that if a gazette containing it had been delivered, it was at the request of his excellency, and expressly declared a private communication, not an official one. I further stated that I made this communication without instructions, merely to counteract misapprehensions, and from an earnest desire to rectify errors which might have serious consequences. I added, that it was very unfortunate that an earlier call of the Chambers had not been made in consequence of M. Serurier's promise, the non-compliance with which was of a nature to cause serious disquietude with the Government of the United States. I found immediately that this was the part of the message that had most seriously affected the king; for Comte de Rigny immediately took up the argument, endeavoring to show that the Government had acted in good faith, relying principally on the danger of a second rejection, had the Chambers been called at an early day expressly for this object. I replied by repeating that the declaration made by M. Serurier was a positive and formal one; and that it had produced a forbearance on the part of the President to lay the state of the case before Congress. In this conference, which was a long one, we both regretted that any misunderstanding should interrupt the good intelligence of two nations having so many reasons to preserve it, and so few of conflicting interests. He told me (what I knew before) that the exposition was prepared, and that the law would have been presented the day after that on which the message was received. He showed me the document, read part of it to me, and expressed regret that the language of the message prevented it being sent in. I said that I hoped the excitement would soon subside, and give place to better feelings, in which I thought he joined with much sincerity. It is perhaps necessary to add, that an allusion was made by me to the change of ministry in November, and the reinstatement of present ministers, which I told him I had considered as a most favorable occurrence, and that I had so expressed myself in my communications to you, but that this circumstance was unknown at Washington when the message was delivered; and I added, that the hopes of success held out in the communication to which I referred, and the assurances it contained that the ministers would zealously urge the adoption of the law, might probably have imparted some hopes to the President, and have induced some change in the measure he had recommended. But that the formation of the Dupin ministry, if known, must have had a very bad effect on the President's mind, as many of that ministry were known to be hostile to the treaty.

When I took leave, the minister requested me to reflect on the propriety of presenting a note of our conversation, which, he said, should be formal, or otherwise, as I should desire. I told him I would do so, and inform him on the next morning by eleven o'clock. We parted, as I thought, on friendly terms, and in the evening, meeting him at the Austrian ambassador's, I told him that, on reflection, I had determined to wait the arrival of the packet of the 16th before I gave the note, to which he made no objection. After all this, you may judge of my surprise when, last night, about ten o'clock, I received the letter, a copy of which is enclosed, and which necessarily closes my mission. In my reply, I shall take care to throw the responsibility of breaking up the diplomatic intercourse between the countries where it ought to rest, and will not fail to expose the misstatements which, you will observe, are contained in the minister's note, both as respects my Government and myself; but the late hour at which I received the Comte de Rigny's note, and the almost immediate departure of the packet, may prevent my sending you a copy of my communication to him, which I shall use the utmost diligence in preparing.

The law, it is said, will be presented to-day, and I have very little doubt that it will pass. The ministerial phalanx, re-enforced by those of the opposition (and they are not a few) who will not take the responsibility of involving the country in the difficulties which they now see must ensue, will be sufficient to carry the vote. The recall of Serurier, and the notice to me, are measures which are resorted to to save the pride of the Government and the nation.

I have the honor to be, very respectfully, sir,
Your most obedient servant,
EDW. LIVINGSTON.

Count de Rigny to Mr. Livingston.

[TRANSLATION.]

DEPARTMENT OF FOREIGN AFFAIRS,
Paris, January 13, 1835.

SIR: You have well comprehended the nature of the impressions produced upon the King's Government by the message which his excellency President Jackson addressed, on the 1st of December, to the Congress of the United States. Nothing, certainly, could have prepared us for it; even though the complaints expressed in it had been as just as they are in reality unjust, we should still have had a right to be astonished on receiving the first communication of them in such a form.

In the explanations which I am now about to make, I cannot enter upon the consideration of any facts other than those occurring subsequently to the vote by which the last Chamber of Deputies refused the appropriation necessary for the payment stipulated in the treaty of July 4. However this vote may have been regarded by the Government of the United States, it is evident that, by accepting (*accueillant*) the promise of the King's Government to bring on a second deliberation before the new Legislature, it had in fact postponed all discussion and all recrimination on the subject of this first refusal until another decision should have either repealed or confirmed it. This postponement, therefore, sets aside, for the time, all difficulties arising, either justly or unjustly, from the rejection of the treaty, or from the delay by which it had been preceded; and although the message begins by enumerating them, I think proper, in order to confine myself to the matter in question, only to reply to the imputations made on account of subsequent occurrences.

The reproaches which President Jackson considers himself authorized to address to France may be summed up in a few words. The King's Government promised to present the treaty of July 4 again to the Chambers as soon as they could be assembled; they were assembled on the 31st of July, and the treaty has not yet been presented to them. Such is exactly the whole substance of the President's argumentation, and nothing can be easier than to refute it.

I may first observe, that the assembling of the Chambers on the 31st of July, in obedience to a legal prescription that they should be called together within a stated period after a dissolution of the Chamber of Deputies, was nothing more than a piece of formality; and if President Jackson had attended to the internal mechanism of our administrative system, he would have been convinced that the session of 1835 could not have really commenced at that season of 1834. Every one knew beforehand, that, after a fortnight spent in the forms of installation, it would be adjourned.

The President of the United States considers that the bill relative to the American claims should have been presented to the Chamber within that fortnight. I cannot understand the propriety of this reproach. The bill was explicitly announced in the speech from the throne on the very day on which the Chambers met. This was all that was required to make known the opinion and design of the Government, and to prevent that species of moral proscription, to which absolute silence would have given authority. With regard to the mere act of presentation, so long before discussion could possibly take place, this proceeding would have been so unusual and extraordinary, that it might have increased the unfavorable prepossessions of the public, already too numerous, without producing any real advantage in return. Above all, the result which the President had in view, of being able to announce the new vote of the Chamber of Deputies in his message, would not have been attained.

President Jackson expresses his regret that your solicitations (*instances*) had not determined the King's Government to call the Chambers together at an earlier day. How soon soever they may have been called, the simplest calculation will serve to show that the discussions in our Chambers could not have been known in the United States at the opening of Congress, and the President's regret is therefore unfounded. Moreover, the same obstacles and the same administrative reasons which rendered a real session impossible during the months of July or August, were almost equally opposed to its taking place before the last weeks of the year. The head of a Government like that of the United States should be able to comprehend more clearly than any one else those moral impossibilities which arise from the fixed character of the principles of a constitutional *regime*, and to see that in such a system the administration is subject to constant and regular forms, from which no special interest, however important, can authorize a deviation.

It is then evident that, far from meriting the reproach of failing to comply with its engagements; far from having deferred, either voluntarily or from negligence, the accomplishment of its promises, the King's Government, ever occupied in the design of fulfilling them, was only arrested for a moment by insurmountable obstacles. This appears from the explanations now given; and I must add, that the greater part of them have already been presented by M. Serurier to the Government of the United States, which, by its silence, seemed to acknowledge their full value.

It is worthy of remark that, on the 1st of December, the day on which President Jackson signed the message to Congress, and remarked with severity that nearly a month was to elapse before the assembling of the Chambers, they were, in reality, assembled in virtue of a royal ordinance, calling them together at a period earlier than that first proposed. Their assemblage was not, indeed, immediately followed by the presentment of the bill relative to the American claims; but you, sir, know better than any other person the causes of this new delay. You yourself requested us not to endanger the success of this important affair by mingling its discussion with debates of a different nature, as their mere coincidence might have the effect of bringing other influences into play than those by which it should naturally be governed. By this request, sir, you clearly showed that you had, with your judicious spirit, correctly appreciated the situation of things, and the means of advancing the cause which you were called to defend; and permit me to add, that the course which you have thought proper to adopt on this point is the best justification of that which we ourselves have for some months been pursuing in obedience to the necessities inherent in our political organization, and in order to ensure, as far as lies in our power, the success of the new attempt which we were preparing to make in the Chambers.

However this may be, the King's Government, freed from the internal difficulties, the force of which you have yourself so formally admitted, was preparing to present the bill for giving sanction to the treaty of July 4th, when the strange message of December 1st came, and obliged it again to deliberate on the course which it should pursue.

The King's Government, though deeply wounded by imputations to which I will not give a name, having demonstrated their purely gratuitous character, still does not wish to retreat absolutely from a determination already taken in a spirit of good faith and justice. How great soever may be the difficulties caused by the provocation which President Jackson has given, and by the irritation which it has produced in the public mind, it will ask the Chambers for an appropriation of twenty-five millions, in order to meet the engagements of July 4th. But, at the same time, his majesty has considered it due to his own dignity no longer to have his minister exposed to hear language so offensive to France. M. Serurier will receive orders to return to France.

Such, sir, are the determinations of which I am charged immediately to inform you, in order that you may make them known to the Government of the United States, and that you may yourself take those measures which may seem to you to be the natural consequences of this communication. The passports which you may desire are, therefore, at your disposition.

Accept, sir, the assurance of my high consideration.

DE RIGNY.

To the Hon. Edward Livingston, &c.

Mr. Livingston to Mr. Forsyth.

[No. 72.] Legation of the United States,
Paris, January 15, 1835.

Sir: Having determined to send Mr. Brown, one of the gentlemen attached to the legation, to Havre, with my despatches, I have just time to add to them the copy of the note which I have sent to the Comte de Rigny. The course indicated by it was adopted after the best reflections I could give to the subject, and I hope will meet the approbation of the President. My first impressions were, that I ought to follow my inclinations, demand my passports, and leave the kingdom; this would at once have freed me from a situation extremely painful and embarrassing; but a closer attention convinced me that, by so doing, I should give to the French Government the advantage they expect to derive from the equivocal terms of their note, which, as occasions might serve, they might represent as a suggestion only, leaving upon me the responsibility of breaking up the diplomatic intercourse between the two countries if I demanded my passports, or, if I did not, and they found the course convenient, they might call it an order to depart, which I had not complied with. Baron Rothschild also called on me yesterday, saying that he had conversed with the Comte de Rigny, who assured him that the note was not intended as a notice to depart, and that he would be glad to see me on the subject. I answered, that I could have no verbal explanations on the subject; to which he replied, that he had suggested the writing a note on the subject, but that the minister had declined any written communication. Rothschild added, that he had made an appointment with the Comte de Rigny for six o'clock, and would see me again at night; and he called to say that there had been a misunderstanding as to the time of appointment, and that he had not seen M. de Rigny, but would see him this morning; but, in the meantime, I determined on sending my note, not only for the reasons contained in it, which appear to be conclusive, but because I found that the course was the correct one in diplomacy, and that to ask for a passport, merely because the Government near which the minister was accredited had suggested it, would be considered as committing the dignity of his own; that the universal practice in such cases was to wait the order to depart, and not, by a voluntary demand of passports, exonerate the foreign Government from the odium and responsibility of so violent a measure. My note will force them to take their ground. If the answer is, that they intended only a suggestion, which I may follow or not, as I choose, I will remain, but keep aloof until I receive your directions. If, on the other hand, I am told to depart, I will retire to Holland or England, and there wait the President's orders. In either case, the derangement will be extremely expensive, and my situation very disagreeable. The law was not presented yesterday, but will be to-day, and I have been informed that it is to be introduced by an *exposé*, throwing all the blame of the present state of things on M. Serurier and me, for not truly representing the opinions of our respective Governments. They may treat their own minister as they please, but they shall not, without exposure, presume to judge of my conduct, and make me the scapegoat for their sins. The truth is, they are sadly embarrassed. If the law should be rejected, I should not be surprised if they anticipated our reprisals by the seizure of our vessels in port, or the attack of our ships in the Mediterranean, with a superior force. I shall, without delay, inform Commodore Patterson of the state of things, that he may be on his guard, having already sent him a copy of the message.

I have the honor to be, sir, your most obedient servant,

EDW. LIVINGSTON.

Mr. Livingston to the Count de Rigny.

Legation of the United States of America,
Paris, January 14, 1835.

The undersigned, envoy extraordinary and minist plenipotentiary of the United States of America, received, late last night, the note of his excellency the Comte de Rigny, Minister, Secretary of State for Foreign Affairs, dated the 13th instant.

The undersigned sees with great surprise, as well as regret, that a communication made by one branch of the Government of the United States to another, not addressed to that of his Majesty the King of the French, nor even communicated to it, is alleged as the motive for a measure which not only increases actual subjects of irritation, but which necessarily cuts off all the usual means of restoring harmony to two nations who have the same interests, commercial and political, to unite them, and none but factitious subjects for collision.

The grave matter in the body of his excellency's note demands, and will receive, a full answer; it is to the concluding part that his attention is now requested. The undersigned, after being informed that it is the intention of his Majesty's Government to recall M. Serurier, is told "that this information is given to the undersigned in order that he may communicate it to his Government, and in order that he may himself take those measures which may appear to him the natural result of that communication; and that, in consequence thereof, the passports which he might require are at his disposition." This phrase may be considered as an intimation of the course which, in the opinion of his Majesty's Government, the undersigned ought to pursue as the natural result of M. Serurier's recall, or it may be construed, as it seems to have been by the public, into a direction by his Majesty's Government to the minister of the United States to cease his functions and leave the country. It is necessary, in a matter involving such grave consequences, that there should be no misunderstanding, the two categories demanding a line of conduct entirely different the one from the other.

In the first, he can take no directions, or follow no suggestions, but those given by his own Government, which he has been sent here to represent. The recall of the minister of France, on the grounds alleged, could not have been anticipated; of course, no instructions have been given to the undersigned on the subject; and he will not take upon himself the responsibilty which he would incur by a voluntary demand of his passports, although made on the suggestion of Majesty's Government. If this be the sense of the passage in question, the duty of the undersigned cannot be mistaken. He will transmit the note of his excellency the Comte de Rigny to his Government, and wait its instructions. Widely different will be his conduct if he is informed that the conclusion of the Comte de Rigny's note is intended as a direction that he should quit the French territory. This he will without delay comply with, on being so informed, and on receiving the passports necessary for his protection until he shall leave the kingdom. Leaving the responsibility of this measure where it ought to rest, the undersigned has the honor to renew to his excellency the Comte de Rigny the assurance, &c.

EDW. LIVINGSTON.

Mr. Livingston to Mr. Forsyth.

Legation of the United States,
Paris, January 16, 1835.

Sir: The wind being unfavorable, I hope this letter may arrive in time for the packet.

By the enclosed semi-official paper, you will see that a law has been presented for effecting the payment of 25,000,000 francs capital to the United States, for which the budgets for the six years next succeeding this are affected, and with a condition annexed, that our Government shall have done nothing to affect the interests of France. It would seem from this that they mean to pay nothing but the capital, and that only in six years from this time; but as the law refers to the treaty, for the execution of which it provides, I presume the intention of the ministry cannot be to make any change in it, and that the phraseolgy is in conformity with their usual forms. At any rate, I shall, notwithstanding the situation in which I am placed in relation to this Government, endeavor to obtain some explanation on this point.

The packet of the 16th arrived; but, to my great regret, brought me no despatches, and having received none subsequent to your No. 43, and that not giving me any indication of the conduct that would be expected from me in the event of such measures as might have been expected on the arrival of the President's message, I have been left altogether to the guidance of my own sense of duty, under circumstances of much difficulty. I have endeavored to shape my course through them in such a way as to maintain the dignity of my Government, and preserve peace; and, if possible, restore the good understanding that existed between the two countries. From the view of the motives of the President's message, contained in the answer of the Globe to an article in the Intelligencer, I am happy in believing that the representations I have made the Comte de Rigny, as detailed in my No. 71, are those entertained by the Government, and that I have not, in this at least, gone further than it would have directed me to do, had I been favored with your instructions.

I have no answer yet to my note to the Comte de Rigny, a copy of which was sent by my last despatch, nor can I form any new conjectures as to the event.

The enclosed paper contains a notice that I had been received by the King; this is unfounded, and shall be contradicted. I shall not, in the present state of things, make my appearance at Court, and only in cases where it is indispensable, have any communication with the ministers.

I have the honor to be, with great respect, your obedient, humble servant,

EDW. LIVINGSTON.

Hon. J. Forsyth, &c.

Mr. Forsyth to Mr. Livingston.

Department of State,
Washington, Feb. 13, 1835.

Sir: To relieve the anxiety expressed in your late communication to the Department of State, as to the course to be pursued in the event of the rejection by the Chamber of Deputies of the law to appropriate funds to carry into effect the treaty of 4th July, 1831, I am directed by the President to inform you, that if Congress shall adjourn without prescribing some definite course of action, as soon as it is known here that the law of appropriation has been again rejected by the French Chamber, a frigate will be immediately despatched to Havre to bring you back to the United States, with such instructions as the state of the question may then render necessary and proper.

I am, sir, &c.

JOHN FORSYTH.

Edward Livingston, Esq.

Mr. Forsyth to Mr. Livingston.

[No. 49.] Washington, *Feb.* 24, 1835.

Sir: Your despatches, to No. 73, have been received at the Department: No. 73 by yesterday's mail; Nos. 70, 71, 72, were delayed until this morning, by the mismanagement of the young man to whose care they were committed by the captain of the packet Sully, in New York.

In the very unexpected and unpleasant position in which you have been placed, I am directed by the President to say to you that he approves of your conduct, as well becoming the representative of a Government ever slow to manifest resentment, and eager only to fulfil the obligations of justice and good faith; but at the same time to inform you that he should have felt no surprise, and certainly would have expressed no displeasure, had you yielded to the impulse of national pride, and at once have quitted France, with the whole legation, on the receipt of the Comte de Rigny's note of the 13th of January. M. Serurier, having received his orders, has terminated his ministerial career by the transmission of a note, a copy of which, and of all the correspondence had with him, is herewith enclosed. M. Pageot has been presented to me as charged with the affairs of France on the recall of the minister.

The note of the Comte de Rigny having, no doubt, according to your intention, received from you an appropriate reply, it is only necessary for me now to say that the Count is entirely mistaken in supposing that any explanations have been given here, by M. Serurier, of the causes that have led to the disregard or postponement of the engagements entered into by France after the rejection of the appropriation by the last Chamber of Deputies, and of which he was the organ. No written communication whatever has been made on the subject, and none verbally made of sufficient importance to be recorded; a silence with regard to which could have been justly the foundation of any inference that the President was satisfied that the course of the French administration was either reconcileable to the assurances given him, or necessary to secure a majority of the Chamber of Deputies.

The last note of M. Serurier will be the subject of separate instructions, which will be immediately prepared and forwarded to you.

In the present position of our relations with France, the President directs that, if the appropriation to execute the treaty shall be, or shall have been, rejected by the French Legislature, you forthwith quit the territory of France, with all the legation, and return to the United States by the ship of war which shall be in readiness at Havre to bring you back to your own country. If the appropriation be made, you may retire to England, or Holland, leaving Mr. Barton in charge of affairs, notify the Department of the place selected as your temporary residence, and await further instructions.

I am, sir, your obedient servant,

JOHN FORSYTH.

Edward Livingston, Esq.,
Envoy Extraordinary, &c.

CORRESPONDENCE WITH THE FRENCH MINISTER.

Mr. Forsyth to M. Serurier.

Department of State,
Washington, Feb. 23, 1835.

Official information having been received by the President of the recall of M. Serurier by his Government, and the papers of the morning having announced the arrival of a French sloop of war at New York, for the supposed object of carrying him from the United States, the undersigned, Secretary of State of the United States, tenders to M. Serurier all possible facilities in the power of this Government to afford, to enable him to comply speedily with the orders he may have received, or may receive.

The undersigned avails himself of the occasion to renew to M. Serurier the assurances of his very great consideration.

JOHN FORSYTH.

M. Serurier to Mr. Forsyth.

[translation.]

Washington, *Feb.* 23, 1835.

Sir: I have just received orders from my Government, which make it necessary for me to demand an immediate audience. I therefore request you to name the hour at which it will suit you to receive me at the Department of State.

I have the honor to be, with great consideration, sir, your obedient, humble servant,

SERURIER.

To the Hon. J. Forsyth,
Secretary of State of the United States.

Mr. Forsyth to M. Serurier.

Department of State,
Washington, Feb. 23, 1835.

The undersigned, Secretary of State of the United States, informs M. Serurier, in reply to his note of this instant, demanding the indication of an hour for an immediate audience, that he is ready to receive in writing any communication the Government of France desires to have made to the Government of the United States.

The undersigned has the honor to offer M. Serurier the assurances of his very great consideration.

JOHN FORSYTH.

M. Serurier to Mr. Forsyth.

[translation.]

Washington, *Feb.* 23, 1835.

Sir: My object in asking you this morning to name the hour at which it would suit you to receive me was, in order that I might, in consequence of my recall as minister of his Majesty near the United States, present and accredit Mr. Pageot, the first secretary of this legation, as chargé d'affaires of the King; this presentation, which, according to usage, I calculated on making in person, I have the honor, in compliance with the desire expressed to me by you, to make in the form which you appear to prefer.

I thank you, sir, for the facilities which you have been kind enough to afford me in the note preceding that now answered, also of this morning's date, and which crossed the letter in which I demanded an interview.

I have the honor to renew to you, sir, the assurance of my high consideration.

SERURIER.

To the Hon. John Forsyth,
Secretary of State.

PRICE OF PUBLIC LANDS.

House of Representatives, *December* 10, 1834.

Mr. Clay, of Alabama, from the Committee on the Public Lands, to which the subject had been referred, made the following report:

The Committee on the Public Lands, to which have been referred memorials from the Legislatures of the States of Indiana, Illinois, Missouri, and Alabama, asking a reduction and graduation of the price of that portion of the public lands which has been offered at public sale, and remains unsold; and also sundry resolutions of the House, instructing them to inquire into the expediency of such a measure, have had the same under consideration, and beg leave to report:

That they have given to the subject the attention and deliberation which seemed to be demanded by its nature and importance. Whether considered in reference to the interest of the General Government, the harmony of the Union, or the welfare and prosperity of the new States, which embrace the public lands, the question involved is one of more than ordinary magnitude. The committee have felt it their duty to look into the origin of the claim of the United States to the public domain, the better to comprehend the motives and inducements to the various cessions which were made by the States having claims to Western lands, and the obligations incurred by the General Government under those compacts. It is from this source that the title of the United States to much the larger portion of the public lands is derived.

The inducements to cessions held out by Congress to those States having Western territory, were to aid in supplying the means of extinguishing the national debt created by the war of the Revolution, and "to promote the harmony of the Union," and "the stability of the general confederacy." On the one hand, it seems to have been considered not only desirable to obtain the means of payment, but to gain the confidence of the public creditors by appearing to possess them. On the other, it was no less important to the harmony of the Union to suppress controversies as to territorial claims among the States, to prevent too great inequality of size of the different States, and to keep down the jealousy which would have been inseparable from such disparity.

The public debt no longer presents any obstacle to the exercise of such policy as may, in other respects, be compatible with the terms of the compacts. Before any measure producing an important change can be carried into operation, it will have been entirely extinguished.

It appears by the terms and conditions on which the several States owning Western lands ceded the same, that one, if not the chief, consideration was the formation and establishment of new States, to be admitted into the Union with equal rights and sovereignty. In the act of the General Assembly of Virginia, authorizing the transfer and conveyance of her extensive domain northwest of the river Ohio, the first, and doubtless the leading, inducement is expressed to be "upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent," &c., "and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States."

In like manner, North Carolina expressly stipulated in her act of cession "that the territory so ceded shall be laid out and formed into a State or States containing a suitable extent of territory," &c.

Georgia, in her articles of agreement and cession, is not less careful in exacting, as a condition of her grant, "that the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand inhabitants," &c.

And in the third article of the treaty by which Louisiana was acquired, is to be found a stipulation on the part of the United States substantially to the same effect. It is, that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States," &c.

Pursuant to the terms of the several compacts, to which reference has been made, the Government of the United States has, at different periods, admitted into the Union seven States, comprising portions of the territory thus acquired. In every instance, it is believed, very small portions of the public lands had been previously sold; and the acts authorizing the admission of new States into the Union have uniformly imposed certain conditions, to which the agreement of the people inhabiting said States was indispensable, to entitle them to such admission. Among other conditions, the conventions of the respective States have been required to "provide by an ordinance, irrevocable without the consent of the United States, that the people inhabiting said territory do agree and declare that they for ever disclaim all right and title to the waste and unappropriated lands lying within said territory; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land sold by the United States, [after the formation of a constitution by the particular State,] shall be and remain exempt from any tax, laid by the order or under the authority of the State, whether for State, county, township, parish, or any other purpose whatever, for the term of five years from and after the respective days of the sales thereof," &c. "And that no tax shall be imposed on lands the property of the United States," &c.

The committee do not propose a discussion of the question, whether, in the language of some of the acts of cession referred to, the new States have been admitted into the Union with "the same rights of sovereignty, freedom, and independence, as the other States;" nor whether there is strict propriety in the declaration to be found in all the acts and resolutions of Congress for the admission of new States, that they are "admitted into the Union on an equal footing with the original States, in all respects whatever." It is not now, and we hope it never may be, necessary to inquire how far the want of eminent domain, the power to dispose of or tax soil within her limits, is compatible with the "sovereignty" of a State; nor to show that the original States, from the time of their independence, and at the date of the several compacts, had that right. The new States having, as a condition precedent to their admission into the Union, disclaimed all right and title to the waste and unappropriated lands lying within their limits, and also the right to tax them while owned by the United States, and for the term of five years after the sale thereof, if not absolutely foreclosed, would doubtless be reluctant to raise the question. But it is in some instances the language, in all the spirit, of the compacts under which the public domain was acquired, that new States should be formed and admitted as soon as possible. States cannot be formed without inhabitants. It would not, then, have been a compliance either with the letter or spirit of those compacts to have fixed so high a minimum on the public lands as to have prevented their sale, and, consequently, their legal settlement; for if it had, it would have been in the power of one of the parties to have defeated the main object which induced the other to enter into them. It seems fair to conclude that the United States were bound to pursue such a policy as would result in the speedy settlement of the public domain, fixing prices bearing some relation to the value of lands in the same quarter of the Union, at which alone they could have been expected to sell.

Nor did the obligations of the United States, as regards the sale of the public lands, cease with the admission of the several States into the Union. Conceding, on this occasion, the right of the General Government to exact of the people of the new States a disclaimer of the right of soil, and the right of taxation, as the price of their admission into the Union, it cannot be maintained that further sales of the public lands could rightfully be arrested altogether; or (which would be equivalent) that they could be held at prices so far above their relative value as not to sell. What would be the difference, in effect, between a law suspending further sales entirely, and one requiring four or five times the value to be paid? In either case no land would be sold; no settlements could be made in conformity with law; and the growth and maturity of the State would be most injuriously retarded. Such a policy would not only contravene the spirit of the several acts of cession which have been adverted to, but would be inconsistent with the several compacts between the General Government and the new States, on their admission. While those compacts in their terms restrain the new States from interfering with the primary disposal of soil, or taxing lands of the United States for the term of five years after their sale, they do not release the United States from the duties imposed by the terms of cession, and, at least, imply an obligation on the part of the General Government to sell in a reasonable time. That cannot be done except on reasonable terms. Suppose, on the admission of any one of the new States, the General Government had addressed her in this language: "You shall not extend your settlements beyond their present limits; if your population increase, it must be crowded on lands which we have already sold." Would it not have been pronounced on all hands a violation of the compact, and a most revolting breach of good faith on the part of the United States?

If, however, the subject be considered in reference to the financial interest of the General Government alone, it is believed that the price of the public lands should be reduced, after having been first offered at public sale, and then remaining a reasonable time subject to private entry, at the present minimum. The Government of the United States is probably the only vender, either of land or any other property, that holds the most inferior quality of any article at the same price with the best. If an individual were to maintain that all domestic animals of a given species were of the same value, how inconsistent would he appear! If a merchant were to refuse to sell kerseys at any lower price than he could obtain for superfine broadcloths, his conduct would certainly be deemed utterly absurd. Yet there is not greater absurdity in either of these positions, than there is in maintaining that land of every quality is worth, or should command, the same price.

The experience of the last ten years has demonstrated that lands of the greatest fertility, when sold at auction, will only command a very small fraction above $1 25 per acre. To prove this, it is only necessary to refer to official documents now on the files of the House. It is not probable that more than one-tenth of the public domain is of the first quality; yet we refuse to let the remaining nine-tenths go at any lower price.

By a report (which is hereto annexed) made by the Secretary of the Treasury on the 22d of January last, in answer to a resolution of the House, it appears that the quantity of land to which the Indian and foreign titles had then been extinguished, was 301,965,600 acres. Of that quantity there had, on the 31st of December, 1831, been offered for sale 130,932,205 acres; and only 26,524,450 acres had then been sold. By the same report, the quantity of land subject to private entry, on the same day, (and which, of course, had been offered at public auction, and refused, at $1 25 per acre,) was 104,407,755 acres. As evidence of the great inferiority of this large quantity of land, it is shown by the same report that the quantity which had been offered and refused, at public sale, in the several States, had been in market, and subject to private entry, the following periods: That in Ohio had nearly all been in market twenty years—the greater portion from twenty-five to thirty years; that in Indiana had nearly all been in market from fifteen to twenty years; that in Illinois had nearly all been in market for fifteen years, and upwards; that in Missouri, an average of about twelve years; that in Alabama from 12 to 22 years—the average period may be said to be fifteen years; that in Mississippi from twelve to twenty years; that in Louisiana about thirteen years; and that in Michigan about thirteen years.

In December, 1828, a statement, compiled from official documents, and printed by order of the Senate, showed that 74,358,881 acres were then subject to private entry, having been offered at public sale, and refused, at $1 25 per acre; and that, of this quantity, 28,247,000 acres (more than one-third) were unfit for cultivation. Taking the same relative proportions of the quantity now subject to private entry as the basis of calculation, and it follows that we now have about 40,000,000 acres, not only inferior, but unfit for cultivation. Yet our system is based on the hypothesis that there is no difference in the quality or value of the public lands.

As an additional proof of the inferior quality of those hundred and odd millions of refuse lands, the fact may be stated, that it is dispersed through the oldest as well as the more recently settled parts of the States and Territories. It is not in such detached bodies, and so far removed from the improved and cultivated lands, as to impede its settlement and cultivation; on the contrary, were the soil good, its locality would afford unusual facilities in both respects. It is wholly unreasonable to suppose that such land will sell for the same price at which land of the best quality can be purchased. But, if reduced to its fair relative value, much might be sold. Inferior lands lying adjacent to those which are improved and cultivated, would be valuable appendages to them, and would be purchased by present land proprietors; other portions would be purchased by poor men, who have been driven from the more fertile tracts by men of large capital, and by speculators. As we have seen, much of this land has already been in market, unsold, for twenty years, or upwards; for a period how much longer it may remain on hand it is impossible to determine, but is it not perfectly obvious that it would have been to the interest of the Government, regarding money alone, to have sold it at half the price in the first instance? Add interest for twenty years, at six per cent. per annum, on the value of a given quantity of land, estimated at fifty cents per acre, and it will be about equal to the price demanded by the Government. Yet we have this land still on hand, with its relative value diminished, not only in the ratio in which all other real estate has declined, but by being shorn of much of its valuable timber by those residing in its neighborhood, or by settlers who have no permanent interest in the soil. Besides, we have sustained the expense of keeping up a number of land offices, amounting to thousands of dollars every year, which would have been rendered unnecessary by a speedy sale, if the price had been suitably reduced. The proposed policy would result in the sale of many thousands, if not millions of acres, which otherwise will not be sold, but be deprived of timber, exhausted, and worn out, by those who have no inducement to preserve the soil longer than for merely temporary use; which is not only detrimental to the interest of the United States, but highly injurious to the particular State in which they may happen to lie.

But the amount of money to be realized from the public domain is not the sole nor even the chief consideration which should influence and determine the policy of a wise and paternal Government. In the language of the President, in his annual message of December, 1832, "The wealth and strength of a country are its population, and the best part of that population are the cultivators of the soil. Independent farmers are, every where, the basis of society, and true friends of liberty." These sentiments, it is hoped, will find a cordial response in every bosom; their truth and justness are attested by all history. It may be asked, triumphantly, when did the cultivators of the soil willingly abandon the principles or knowingly become the enemies of free Government? The soundness of the principle laid down is sustained by the most approved doctrines of political economy, and sanctioned by practical experience.

The committee also concur in the sentiment expressed in the same message, that it is "our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they should be sold to settlers, in limited parcels, at a price barely sufficient to reimburse the United States the expense of the present system, and the cost arising under our Indian compacts." The new States have, as they manifestly feel, a deep interest in this subject. By their memorials they have urged upon Congress repeatedly, within the last ten or twelve years, the policy, justice, and necessity, of reducing the price of *refuse* lands. They have represented, and truly represented, as the committee believe, that the existing law in regard to price operates materially and wrongfully to their injury. The high price of land inevitably retards the population of a country, and, taken in connexion with the want of power to tax it, must postpone the maturity of its resources.

In the opinion of the committee, it is due to the people of the new States that the existing state of things should be terminated as soon as practicable. It is certainly desirable that every acre of land should, if possible, be rendered productive; and this can never be done till it is in the hands of individual proprietors. Population is emphatically the strength of a State; and to render a people free, prosperous, and happy, they should be the owners of the soil they cultivate.

After a full consideration of the compacts between the General Government and the original States which surrendered territory, and those with the new States upon their admission into the Union; regarding that good faith with which engagements so grave and important ought to be fulfilled; looking to the interest of the Government, either as to the amount of money to be realized, or the harmony, strength, and resources of the Union at large; and considering what is due to the tranquillity and resources of the younger members of the confederacy; the committee cannot resist the conclusion that a law should be passed, reducing and graduating the price of that portion of the public lands which has been offered at public sale, and remains unsold, in proportion to the time it may have been in market. And they accordingly report a bill for that purpose.

TOPOGRAPHICAL ENGINEERS.

House of Representatives, *December* 16, 1834.

Mr. R. M. Johnson, of Kentucky, from the Committee on Military Affairs, to which the subject had been referred, made the following report:

The Committee on Military Affairs, having duly considered that part of the President's message referred to that committee which relates to the corps of topographical engineers, beg leave to report:

That the subject of reorganizing and enlarging this corps has been recommended to the consideration of Congress by four different Executives, and that on several occasions bills to effect these objects have been reported by various committees on military affairs.

There is no part of the army as defective in its organization as this, and subject, in consequence, to as great inconveniences in the execution of its duties. It consists of six field officers and four captains, to which are generally attached as many as thirty lieutenants of artillery and infantry.

These lieutenants are so attached by temporary details, and the effect of this system is to take from their proper duties those who were intended for the line, and to force upon another and highly interesting branch of service inexperienced, and, consequently, incompetent assistants. These assistants, after a short tour of duty, are again called back to the line, and others entirely new to the duty are assigned to their places. Such a course has, as it could not fail to do, led to great delays in the execution of the duties of the corps, has exposed it to the errors inevitable from the employ of inexperienced assistants, has procured but partial returns in comparison with either the number or the expense of the system, and has kept this corps, comparatively speaking, stationary in its scientific operations, and continually in the execution of the most simple details.

The officers temporarily attached have the requisite theoretic information, from their education at the Military Academy, but the short period of their service with the corps of topographical engineers does not admit of a development of that theory into practice, nor of their attempting the higher walks of their profession. After returning to their duties in the line, they soon forget the little practical knowledge they acquired during the short period they were with the corps, and, while there, must also, from the want of its use, have forgotten much of the knowledge of their proper line duties. It is a system therefore productive only of injury to the officer, to every branch of service, and consequently to the Government, which is interested in all.

It is also a system at variance with the true principles of economy, as its effect is to produce the fewest and least valuable results, at the greatest expense.

The duties of such a corps are essentially military and scientific: it is therefore necessary that its members should have both military and scientific knowledge, as both have to be called into action in the exercise of their proper functions.

In Europe, where the military avocation is so much more extensive than in our country, the duties of a corps of topographical engineers are rarely extended to occupations purely civil. These last are committed to a distinct body of officers called the Corps of Points and Chausee. But the more limited military operations of our country do not yet render such a division of labor necessary, and the duties of two such corps can be well executed by one. But as the military functions of the corps are by us the most required, so is it therefore absolutely necessary that its members should be military as well as scientific. The two qualifications are essential to their proper duties, the latter only in operations purely civil. But in the execution of the latter, if the officer also possesses military knowledge, it gives a double value to the purely civil duty upon which he may be engaged, by the military views and reports which should always be required of him.

Happily for our country, we possess at present in abundance the finest materials for such a corps in the graduates from the Military Academy, who now pervade our army so extensively, whose education, both military and scientific, furnishes all the requisite qualifications, and who, added to the officers now forming that corps, would place at once at the command of the Executive all that the wants of both the Government and the country have so long and so repeatedly called for.

The committee are also of opinion that these desirable views may be fulfilled, and a suitable organization effected, without any serious increase of expense. But even this additional expense, trifling as it really is, will not be encountered until, in the judgment of the President, the promotions to the full organization proposed may be found expedient. The plan is to furnish the additional number required by the corps, by permanent transfers and appointments from the army, and for the army to be proportionally reduced. Such a plan would relieve the corps from the present pernicious system of temporary details, and would not be to the prejudice of the army, as the army now spares officers for these duties permanently.

The present details are temporary in reference to individuals only, but permanent in reference to numbers.

Now, as the corps has generally had from twenty-five to thirty lieutenants of artillery and infantry attached to it by detail, the pay of these officers is really chargeable upon that corps, although it does not appear so in the estimates, being there merged in the pay of the artillery and infantry. If permanently transferred, they would still draw their pay, but it would appear under the head of an estimate for the corps of topographical engineers, and the estimates of the artillery and infantry would be proportionally reduced.

In effecting the transfer, however, certain modifications ought to be made in the rank of the corps, essential to its well-being. These modifications would be to give to it a full colonel and six additional captains. It has now six field officers and four captains. One of these six draws the pay of a lieutanant colonel, five that of major. The modifications would therefore add only to the annual expense the difference between the pay of one major and one colonel, and the difference between the pay of six lieutenants and six captains.

On examining into the law in relation to the topographical engineers, as now existing, the committee find a singular inconsistency in the pay of its officers. All of the field officers receive cavalry pay, the captains only the pay of the infantry. It is presumed to have originated in mistake. All have to be mounted in the execution of their duties: all should therefore receive the pay of mounted troops. An arrangement of this kind becomes also necessary in another point of view. Unless there is some such provision in the law, those officers of the corps who now receive dragoon pay, would, on a reorganization, suffer a reduction, which we presume to be the desire of no one.

CORPS OF ENGINEERS.

House of Representatives, *December* 16, 1834.

Mr. R. M. Johnson, of Kentucky, from the Committee on Military Affairs, made the following report:

The Committee on Military Affairs, to which was referred that part of the President's message relating to an increase of the corps of engineers, report:

That, having given the subject due consideration, they recommend to the House a concurrence in the suggestions of the President and Secretary of War. This useful corps of officers was established on its present footing, as to numbers, more than twenty years ago, just at the commencement of the war; at a time when its organization as a military corps for service in the field was, no doubt, chiefly regarded; and when the extended calls for its services, even in a strictly military character, in preparing the permanent means of defence of our frontiers, although they may have been in some measure anticipated, could not have influenced the Government in establishing, at that time, the number of its officers. Hence, as might have been expected, that force of the corps, as then arranged, has been found quite inadequate to the discharge of the numerous duties which have devolved on it; and as the evils incident on this state of things increase with time, the committee are of opinion that no further delay should occur in applying the only remedy which the case admits of. The evils here alluded to have been repeatedly set forth in the Executive communications to Congress, and the necessity of removing them often urged from the same quarter. It is, therefore, only necessary for the committee to recall, in a general way, the attention of the House to this subject.

The principal military duties which by law and usage devolve on the corps of engineers, in time of peace, relate to the construction and preservation of permanent fortifications, and to the care of the Military Academy. An examination of the subject has satisfied the committee that the corps, in its present force, is insufficient even for the discharge of the services required of them under the first of these heads alone, as their numbers would scarcely admit, without any allowance for casualties, of placing one officer at each post; this will be seen by a reference to the chief engineer's report at the commencement of the present session.

By the laws of 1802 and 1812, the corps of engineers constitutes the Military Academy, and its officers are, therefore, in strictness, responsible under the law for the government and improvement of that institution, on which, at present, the character of the whole military establishment greatly depends; but such have been, and are, the demands for their services in other places, that, to meet this responsibility, it has not been possible for many years to devote to this important object the services of more than one or two junior officers in addition to the superintendent; in consequence of which, also, is the neglect of the object contemplated by the institution of the academy, that of allowing to the officers of engineers opportunities of improving themselves in the knowledge of a profession, a perfect acquaintance with which requires constant study and reflection.

But, whilst the number of officers is inadequate, as has been shown, to the proper discharge of their military duties, the measures of the General Government in relation to national internal improvements have created a class of new and most important duties, most of which, for the want of an organized corps of civil engineers, fall to the lot of the same body of officers, the laws having, in some of the most important cases, assigned the charge of such works to officers of the corps of engineers. The chief engineer's report of this year contains a list of fifty-six works of this character, the execution of which, involving an expenditure, during the year, of nearly one million and a half of dollars, has been assigned to the Engineer department. The committee conceive that the statement of this fact alone is sufficient to show that the President's recommendation of an increase of this corps is sustained by a regard to the interests of the country generally, and by the considerations of justice to a body of officers who are held responsible for the performance of services which it is impossible for them to render.

In view of these facts, the committee have inquired into the manner in which these services have been performed for several years past; and the result of their inquiries has tended to strengthen the opinion in favor of increasing the corps of engineers. They find, for example, that, at the close of the last fiscal year, large sums of money, appropriated for works of internal improvement, remained undrawn from the treasury, and the public service was necessarily postponed on account of the difficulty of finding persons to whom the management of works might be safely intrusted; and in the direction of many works, which it was impossible to assign to officers of the corps of engineers, officers temporarily detailed from other arms of service, or, in most cases, persons unconnected with the military establishment, and unaccustomed both to military control and to scientific operations, have been employed; and although, in many instances, especially of works under the direction of officers detailed from the line of the army, favorable testimony is borne, as to the manner in which the duties have been discharged, yet it is no disparagement to these officers, or to persons who have not, like them, enjoyed the advantages of a strictly professional education, to assert that such works would be conducted with much greater advantage to the public by men whose stations and duties had been of a nature to add the benefits of experience and reflection to those of a proper education; added to which is the consideration of the greater interest which will always be felt in the discharge of duty by men whose standing and professional reputation depend *solely* on the zeal and ability they may display.

Documents placed on the table of the House during the last and present session support this opinion, by showing that, in a short time, the operations on that important work, the national road, which have been placed, in pursuance of law, under the directions of engineer officers, have been retrieved from the disorder into which they were thrown, and the further waste of public money averted; and many members of Congress can, it is believed, bear testimony to the improved results obtained under the new direction—an improvement which may be anticipated in other similar works, should the means be afforded of extending to them a like superintendence.

In another way, also, the committee are satisfied that economy will be consulted by adopting the proposed measure; for the rate of wages to persons temporarily engaged for any service is necessarily much higher than that of salaries paid to those who have a fixed profession, and a prospect of gradual advancement.

The committee are of opinion that, notwithstanding the demand for officers of the class in question, more injury than benefit might result from an immediate increase of the corps to the strength proposed to be finally given to it, as it is by application in early life that the science necessary for an accomplished engineer can be best attained; and, with a view to the formation of an efficient corps, it is proposed to make the increase gradual, extending it through several years.

The committee therefore recommend to the House the adoption of the accompanying bill, drawn up in accordance with the principles here stated. They refer to document marked A, as a part of this report.

A.

Extracts of communications of the Secretary of War, made to Congress at different periods, in reference to the increase of the corps of engineers, showing the necessity of the recommended increase, and the footing on which it should be placed in regard to pay and emolument. Also, a statement of the duties which have devolved on each officer of the corps of engineers, during the year 1834.

Extract from a communication from the Secretary of War to the Chairman of the Committee on Military Affairs, dated December 24, 1828.

The communication from this Department to the chairman of the Committee on Military Affairs of the House of Representatives, dated the 10th of January, 1826, sets forth so fully and clearly the expediency of increasing the number and pay of the officers of the corps of engineers, that it is deemed almost unnecessary to say any thing further concerning these points; I therefore refer the committee to that communication, which will be found in Document No. 36 of the 1st session of the 19th Congress. It may be proper here to remark, that the increase in the number of objects, both for fortifications and works of internal improvement, which have been conducted under the direction of the Engineer department since the date of the communication alluded to, calls still more imperiously for an increase in the number of officers of the corps of engineers, in order that all public constructions of the above character may be placed under the superintendence of those who are competent to direct them, and personally responsible to the Government for the proper conduct of their operations. And, in addition to the strong reasons set forth in the same communication for increasing the pay of the officers of that corps, it may not be improper to state to the committee, that, although the nature of their duties assimilates them to staff officers in point of responsibility and expenses, they not only receive inferior pay to those officers, but are rendered, by the very nature of these duties, ineligible to staff appointments, which are held by officers of other arms of the service.

In the 2d section of the bill reported by the committee, and which accompanied the document above referred to, I would recommend an amendment, the justice of which will immediately occur to the committee: it is, to place the captains on the same footing with regard to rations as the other captains of the army under the act of the 2d of March, 1827; the bill, unless so amended, will, in its operation, entitle the lieutenants to receive a greater number of rations than the captains.

I beg, also, to renew the recommendation heretofore made by this Department, that the privilege of franking should be extended to the chief engineer, by which means delays in the despatch of business would be avoided, and the expenses of the Engineer department diminished; as many of its correspondents, through ignorance or inadvertence, address their communications and packets to the chief engineer directly, thereby frequently charging the contingent fund of that department with a heavy postage.

Extract from a communication from the Chief Engineer to the Secretary of War, dated November 18, 1829.

The establishment of this corps dates from the year 1794, at which time it was, however, connected with the artillery, under the denomination of the "corps of artillerists and engineers." On fixing the peace establishment in 1802, a separate corps, consisting of sixteen officers, was organized, which, having been found insufficient for the service, was increased in 1812 to include six additional officers, making a force of twenty-two, which has constituted the corps up to this time. Whether this number is adequate to the present wants of the service will appear by a reference to the annual report, in which nearly all the operations enumerated under the heads of fortifications and civil constructions, as well as several of the surveys, are conducted by the officers of the corps of engineers: this will more clearly be seen by an inspection of the accompanying statement, exhibiting the duties in which they were engaged during the past year. This want of officers is not now felt for the first time, but has for several years past been the subject of communications to the Secretary of War, and to the Military Committees of Congress, by both of whom the required increase has been several times recommended, though the subject has never yet been discussed in either branch of the national Legislature. A reference to the proceedings of Congress since the 1st session of the 19th Congress, and especially to the Secretary of War's letter to the Military Committee, of the 10th January, 1826, (Doc. No. 153 of the H. of R. 1st sess. 19th Cong.,) will show the views which have been entertained on this subject by the War Department; and the progressive increase of duties gives additional force to the arguments then advanced in favor of the proposed measure. The advantage of having these duties performed by officers educated for, and permanently attached to, the corps of engineers, instead of by those temporarily detailed from other corps, or by persons not attached to the military service, engaged under the pressure of the moment, is too obvious to require further illustration.

The organization proposed is that recommended by the Military Committee of the Senate in the bill reported by them last February, a copy of which accompanies this letter. The number of officers to be added is barely sufficient for the discharge of their duties. With regard to the increase of pay, which is also proposed in the bill referred to, the measure is founded on justice and the usage of other services. The duties of engineers in all armies are considered of the highest order of military service, and as such they are specially recognised by our 63d Article of War; but in our army alone, I believe, is this acknowledgment unattended with that demonstration of it which leads Government to attach a higher emolument to a more elevated branch of service, not with a view of rendering, by pecuniary considerations, that station more desirable, which is, by such acknowledgment, rendered highly so, but with a view to maintain the character of its officers, by enabling men of suitable talents and acquirements to continue in the service, without disregarding what is due to themselves. That this remark is not without force, is proved by the fact that within three years the corps has lost, by resignation, four young officers, discouraged by the small prospect of promotion; or by the reflection that years of experience and service would still find them with emoluments even much inferior to those of officers who had entered the army at the same time with them in other corps. These considerations are further strengthened by the circumstances of additional expenses to which they are often exposed from the nature of their duties, and from their exclusion from the emolument attending staff appointments, which are mentioned in the letter above referred to.

The delay and expense which sometimes occur in conducting the correspondence of this department, for want of the franking privilege being extended to its chief, have caused the insertion of the last clause of the bill, which proposes such an extension.

Extract from a communication from the Secretary of War to the Hon. A. Stevenson, Speaker of the House of Representatives, dated January 13, 1831.

In obedience to a resolution adopted by the House of Representatives on the 7th instant, calling on the Secretary of War "to inform the House whether any, and, if any, what additions are necessary to be made to the corps of military and topographical engineers, exclusively for military purposes," I have the honor to report:

With regard to the corps of engineers. In my report to the President, accompanying his message to Congress in 1829, I expressed a concurrence in the opinion which has been urged for years past by this Dapartment, of the necessity of increasing the number of officers in this corps. The advantages which might result from such an increase, in the construction of fortifications and other works of general improvement, were not lost sight of.

The recommendation, however, had reference mainly to such an organization as it was believed would tend to greater economy and efficiency in the discharge of the military duties of the corps in time of peace.

The necessity of an increase of their number is illustrated by the fact, that whilst every officer of the corps is now on duty, and but three of them employed in other than military duties, there are only four of the fortifications under construction, in the direction of which the superintending engineer is assisted by any officer of the corps; the necessity of such assistance in preparing detailed plans, and in superintending their proper execution, must be obvious to any who reflect on the varied and often complicated nature of those works. The deficiency in officers is imperfectly supplied in a few cases by an occasional and temporary detail from other corps of the army, or by the employment of citizens at high rates of compensation.

The number of officers which should be added to the corps will be regulated by considering the number of fortifications that will probably be under construction at any one time, with other duties to which the officers are liable. The table of "works projected," which accompanies the annual report from this Department, will show that, in addition to those already commenced, forty-three have been planned for the Atlantic and Gulf of Mexico frontier; besides which, it will be remembered that no defences are yet projected for the extensive frontier bordering on Canada.

Referring for the present to the works required for the defence of the seaboard alone, we may suppose that about twelve or fourteen of them will be under construction or repair at one and the same time, and the number of officers requisite for their superintendence may be estimated as follows:

On the eastern Atlantic frontier, say 1 field officer, 2 captains, 4 lieutenants.

Middle Atlantic frontier, 1 field officer, 4 captains, 8 lieutenants.

Southern Atlantic frontier, 1 field officer, 2 captains, 3 lieutenants.

Gulf of Mexico frontier, 1 field officer, 2 captains, 4 lieutenants.

To which add, at the seat of Government, 1 field officer, 1 lieutenant.

Military Academy, 1 field officer, 1 captain, 2 lieutenants.

Board of engineers for fortifications to meet contingencies of service, 1 field officer, 2 captains, 2 lieutenants.

Making a total of 7 field officers, 13 captains, 24 lieutenants.

By such an arrangement, there would be in each great division of the maritime frontier, one field officer, who, besides having the immediate charge of a particular work, could act as a general inspector, and whose experience would enable him, in cases of need, to aid by his advice other officers within his district.

It is in accordance with these views that the project for an increase of the corps, heretofore presented to Congress, has been prepared.

Extract from a communication from the Chief Engineer to the Secretary of War, dated January 19, 1832.

In compliance with your verbal instructions of yesterday, I have the honor to hand you, herewith, a statement, marked 1, showing the present distribution of the officers of the corps of engineers; and, as regards the wants of the service, for an increase of their numbers, I beg to refer you to the accompanying paper, marked 2, being a copy of a communication to the House of Representatives on the subject, made in conformity to a call of that House, in which is shown the distribution to be made of them, provided the additional number asked be authorized.

As to the increase of expense, by the provisions of the 1st section of the bill reported in the House of Representatives at the last session, a copy of which is also herewith submitted, it will be,

For the first year - - - -	$4,004
For the second year - - -	8,009
For the third year - - - -	11,822
For the fourth year - - - -	15,635
For the fifth year - - - -	20,678
For the sixth year - - - -	25,702
For the seventh year, and thereafter	32,700

This calculation is based on the supposition that cavalry pay will be granted; should the present pay be continued, then the increase will amount only to $19,700.

In either case it is firmly believed that true economy would result to the Government, both in saving a great part of the sums now paid to persons employed in the superintendence of public works, and still more in the efficient and judicious application of the funds which would result from the employment of none but well-instructed and experienced officers in sufficient numbers to give the proper attention to all the details of construction, which, with the present force, is almost impracticable, and consequently the quality of the workmanship depends more than it should on the intelligence and faithfulness of the mechanics employed.

About $20,000 a year is now actually paid as compensation to the civil agents superintending public works under this department.

The bill alluded to contemplates giving cavalry pay. The reason for this is, that as the occupation of the engineer officer usually places him in isolated situations, where the expenses of messing cannot be divided with others, as is the case at all garrisons, it appears proper on that account, as well as others, that he should be better paid. He has to perform many of his duties on horseback, such as searching the country, in the neighborhood of his operations, to obtain materials, workmen, &c.; and as the nature of his profession requires the highest order of military attainment, besides being deprived, by the wants and usage of the service, of participating in the benefits of staff appointments, as aids-de-camp, quartermasters, &c., it is but reasonable that he should be compensated, in part, for the loss of these, by being designated on the statute book for the small additional emoluments allowed.

Extract from the annual report of the Secretary of War, dated November 27, 1834.

I beg leave to ask your particular attention to that part of the report of the chief engineer which recommends an addition to the number of the officers of his corps. I believe the public service requires this measure. New duties have been imposed upon the engineer corps, by express acts of Congress; while in other cases it has been found necessary, by executive regulation, to require from the officers services not originally contemplated in the organization of the department. The erection of fortifications, the construction of roads, the establishment of fixed points, by astronomical observations, in boundary lines, and the improvement of harbors and rivers, are among the objects committed to the engineer officers. And I feel bound to report to you, that, as far my observation or information has extended, their duties have been performed in the most satisfactory and exemplary manner. In scientific acquirements, and in their practical application, these officers are deserving of high commendation; and it is very desirable that their numbers should be so far augmented as to ensure their personal attention to all the objects within the control of the Engineer department. This cannot now be done, and the public service suffers in consequence of it.

Duties which have devolved on each officer of the corps of engineers during the year 1834, viz:

Col. C. Gratiot. Charged with the affairs of the Engineer department, to which was committed the care of the Military Academy, and supervision over the operations for constructing and repairing nineteen fortifications, seventeen roads, the improvement of thirty-nine harbors and rivers, the construction of nine lighthouses and beacon lights, all of which have been worked on during the year; and making observations to establish the northern boundary of the State of Ohio.

Lieut. Col. J. G. Totten. This officer has personally superintended the operations for the construction of Fort Adams, Rhode Island; he has, as a member of the board of engineers, assisted in projecting plans and estimates for the fortifications at Foster's bank, Pensacola harbor, the Delaware river, Long Island sound, Boston bay, and Provincetown harbor, Cape Cod; and is now engaged in revising the project for improving the navigation of the Hudson river above Hudson. He has also made estimates for removing the lighthouse at the end of Goat Island; and inspected and supervised, in a general way, the harbor improvements on the south shores of Massachusetts bay, Massachusetts, and Connecticut.

Major S. Thayer has been charged with the immediate superintendence of the works of defence and harbor improvement in Boston harbor, the inspection and general supervision of the harbor improvements at the mouths of the Kennebunk and Merrimack rivers. In addition to these duties, he has assisted, as a member of the board of engineers, in projecting plans and preparing estimates for the works enumerated above.

Major R. E. De Russy has superintended the Military Academy.

Captain J. L. Smith has been charged with the operations for constructing Fort Schuyler, and with those for repairing Castle William, Forts Columbus, Hamilton, and Lafayette, New York harbor.

Captain George Blaney has been engaged in finishing Fort Caswell, and in prosecuting the operations for the improvement of Cape Fear river, North Carolina.

Capt. W. H. Chase has superintended the works for the construction of forts at Santa Rosa island and Foster's bank, Pensacola harbor; besides which, he has been charged with the inspection and general supervision of the several river and harbor improvements in Florida, Alabama, and Mississippi.

Capt. R. Delafield has superintended the repairs of the Cumberland road east of the Ohio river, the operations for rebuilding Fort Delaware, and those for improving harbors on the Delaware river.

Capt. A. Talcott superintended the construction of Forts Monroe and Calhoun till June, when he proceeded to Michigan, to make observations for fixing the northern boundary of the State of Ohio. He returned to Hampton roads in August, when he was relieved from duty there, and appointed the superintendent for improving the navigation of the Hudson, and is now engaged in revising the surveys and plans made for it.

Capt. W. A. Eliason was in charge of the works at Charleston harbor, South Carolina, until April, when he was relieved for the recovery of his health, which was very bad, and in November he was put on duty at Fort Calhoun.

1st Lieut. Thomas Leslie, Paymaster to the Military Academy.

1st Lieut. C. A. Ogden superintended the works for the construction of the fort at Mobile point, and those for improving Mobile harbor, to their completion. In compliance with the act of the last session, he was transferred from the Gulf station to that of the Cumberland road in Indiana and Illinois, the operations on which he now superintends.

1st Lieut. H. Brewerton has superintended, during the whole year, the construction of the Cumberland road in Ohio.

1st Lieut. S. Tuttle. In arrest since May last.

1st Lieut, George Dutton, employed on the improvements at Ocracock inlet, and in finishing Fort Lacon, North Carolina.

1st Lieut. Jos. Mansfield has superintended the construction of Fort Pulaski, and the works for improving the Savannah river, Georgia.

2d Lieut. A. H. Bowman was assigned early in the year to duty at Fort Livingston, Louisiana, from which duty he was withdrawn in the month of July, to superintend, under the act of Congress, the construction of the road from opposite Memphis to St. Francis, in Arkansas. To this duty is added that of inspecting the operations for improving the navigation of Red river, Mississippi, Ohio, and Cumberland rivers.

2d Lieut. T. S. Brown has, since April, superintended the works in Charleston harbor, South Carolina.

2d Lieut. W. H. C. Bartlett was the assistant in the Engineer department until November, when he received the appointment of Professor of Natural and Experimental Philosophy in the Military Academy.

2d Lieut. R. E. Lee assisted, until November, Captain Talcott in the superintendence of the works at Forts Monroe and Calhoun. He is now the assistant in the Engineer department.

2d Lieut. A. I. Swift, assistant to Col. Totten, at Fort Adams.

2d Lieut. R. Parke, assistant to Col. Thayer, at Boston.

Bt. 2d Lieut. F. A. Smith, do do.

Bt. 2d Lieut. J. G. Barnard, assistant to Capt. Smith, at New York.

Bt. 2d Lieut. G. W. Cullum, assistant to Col. Totten, at Fort Adams, to the month of November. He is now second assistant in the Engineer department.

Bt. 2d Lieut. R. King, assistant to Captain Talcott, on the works at Hampton roads, afterwards in establishing the northern boundary of Ohio, and now in improving the Hudson.

Bt. 2d Lieut. W. Smith, a graduate of last June, assisting Capt. Talcott.

Bt. 2d Lieut. J. Saunders, do Lieut. Ogden.

Note. Neither of the eight last named officers have much professional experience; they are, for that reason, kept where they can most readily acquire it.

December 4, 1834.

RELATIONS WITH FRANCE.

February 27, 1835.

Mr. Cambreleng, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to which was referred so much of the President's message as concerns our political relations with France, and the correspondence between the ministers of the two Governments, report:

That, at an early period of the session, the committee took into consideration the question of authorizing reprisals, and continued from time to time to discuss various motions and resolutions submitted by its different members. They could, however, concur in no proposition; and, in that condition, a majority deemed it expedient to postpone their decision till further intelligence should be received from France. The committee had, within the week past, twice instructed its chairman to report resolutions, but the arrival of additional intelligence caused a suspension of these reports until an official communication should be received from the Executive. That communication places the relations between the two countries in a novel and interesting position. While there is satisfactory evidence that the French Government earnestly desires that the appropriation for indemnity should be made in pursuance of the stipulations of the treaty, and while there is reason to hope that the Chamber of Deputies will adopt that measure, and faithfully discharge the obligations of France to the United States, it is, on the other hand, to be feared that the conduct of that Government has placed us in a position at least embarrassing, even should it not produce an entire suspension of diplomatic intercourse between the two nations. In this new position of our relations, it is deemed expedient to dispense with further discussion on the subject of non-intercourse with, and reprisals on the commerce of, France, to which the attention of the committee had been directed, and to leave the question of our political relations with that Government to the next Congress, whose action will, no doubt, be governed by the course which France may deem it expedient to pursue. We are not yet informed what may have been the decision of the King of the French as to the dismissal of our minister; nor can we conjecture what may be the fate of the appropriation in the Chamber of Deputies. While the committee is unwilling to anticipate any but an amicable and favorable result in both cases, it must be recollected that the King and the Chamber may decide adversely to the interests and harmony of the two nations. Such a decision on the part of France, however it may be regretted by the people of both countries, who have great and growing interests, commercial and political, to cherish, may lead to a result upon which the committee, while in doubt, and while a hope remains, will not enlarge.

The committee is therefore of opinion that, at such a crisis, when events may occur which cannot be anticipated, and which may lead to important consequences in our external relations, it would not discharge its duty to the country if it did not express a firm resolution to insist on the full execution of the treaty of 1831, and if it did not recommend to the House a contingent preparation for any emergency which may grow out of our relations with France previous to the next meeting of Congress. It is a gratifying circumstance that our means are adequate to meet any exigency, without recourse to loans or taxes. The bill now before the House, authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole or a part of the fund to be derived from that source should be appropriated for the purpose of arming our fortifications, and for making other military and naval preparations for the defence of the country, in case such expenditures should become necessary before the next meeting of Congress.

The committee, therefore, submit the following resolutions for the consideration of the House:

Resolved, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th July, 1831, and that this House will insist upon its execution as ratified by both Governments.

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals, on the commerce of France.

Resolved, That contingent preparation ought to be made to meet any emergency growing out of our relations with France.

VIEWS OF THE MINORITY OF THE COMMITTEE.

The undersigned, members of the Committee on Foreign Affairs of the House of Representatives, beg leave to submit to the House, in the following manner, their views of that part of the President's message, at the beginning of the session, which relates to the failure of France to execute the convention of the 4h July, 1831, and of the messages and documents, on the same subject, which have been since referred to them.

The undersigned are deeply impressed with the delicacy and importance of the subject. They regard it as one of the most momentous ever submitted to the decision of the House. At an early period of the session, a proposal was made, in committee, that a bill should be reported, authorizing reprisals against France in the event that an appropriation should not be made by the French Chambers, this winter, to carry the treaty into effect, with a power reserved to the President to arrest the reprisals, should he deem it expedient. That proposition was negatived by a large majority of the committee, of which majority the undersigned formed a part. It is unnecessary, in this place, to state the considerations which induced the undersigned to oppose this measure. They will only observe that, as intelligence had already been received that the meeting of the French Chambers had been ordered a month earlier than the period to which it stood adjourned, it seemed peculiarly desirable to the undersigned to forbear every measure which might throw obstacles in the way of the unprejudiced action of the Chambers. For this reason, also, the undersigned were of opinion that, as soon as the sense of the committee had been thus ascertained against authorizing reprisals, it was expedient to report a resolution to that effect to the House, setting forth, in a conciliatory manner, the grounds of such a resolution, but maintaining, also, in the strongest terms, the obligation of the treaty. In this, however, they were overruled by a majority of the committee, who declined adopting a resolution to that effect.

At a subsequent period, a motion was made, in committee, to reconsider the vote by which the resolution authorizing reprisals had been rejected. A majority of the committee, and the undersigned among the number, were opposed to the reconsideration. But a renewed motion to report a resolution, in accordance with the sense of the committee, that it was inexpedient to authorize reprisals, again failed. Believing that the majority of the House would have sustained the majority of the committee in the opinion that it was inexpedient to authorize reprisals at this time, the undersigned regret that an opportunity had not been afforded the House, at an early stage of the session, of expressing that opinion in a report from the committee; as they conceive such a course, taken in connexion with a similar course pursued by the Senate unanimously, would have had a salutary effect abroad.

But the undersigned are not disposed unnecessarily to dwell on these points. They regard them as minor differences of opinion on a great subject, whose leading nature must be felt and understood alike by all. On the justice of the American cause, in the matter in dispute between France and the United States, the undersigned are happy in the belief that there is but one opinion among their fellow-citizens. If differences exist as to the proper measures to be pursued to obtain the justice which is due alike to the citizens and the Government of the United States, it is to be ascribed to the inevitable diversity of judgment on great and difficult questions. It may with truth be said, perhaps for the first time in the history of great national disputes, that there is but one opinion in the United States as to the grounds of the controversy between the two countries. The undersigned ardently hope that this auspicious unanimity, as to the origin and character of our complaints against France, will extend also to the measures adopted for obtaining satisfaction.

The controversy between the two countries is too familiar, in its origin and history, to require a minute survey. A few leading points may be briefly alluded to. A long series of outrages and depredations on our neutral commerce was terminated by the convention of September, 1800. Nothing short of a force of circumstances deemed imperative would have induced the United States to acquiesce in the conditions of that convention. Unsatisfactory as they were at the best, a portion of its stipulations have never, to the present time, been fulfilled. The property, of which restitution, or the payment of the equivalent, was stipulated by the fourth article of that treaty, has never, to this day, been restored, nor paid for; and, having been pretermitted in the arrangements of the Louisiana convention of 1803, is still included among the claims against France. But the great portion of the claims provided for by the convention of July, 1831 had their origin in the spoliations committed on our commerce, under what has commonly been called the continental system of the late Emperor of France. By way of enforcing that system, certain decrees were promulgated, subjecting American vessels to capture and condemnation, for reasons wholly unsanctioned by the law of nations; and, as if sufficient injury and outrage were not inflicted by these decrees, when regularly applied according to the usual forms of admiralty procedure, great depredations were committed on American commerce, without even the pretence of any warrant of public law. French squadrons were instructed to burn any American vessel they might encounter at sea. Vessels and cargoes, seized under the Berlin and Milan decrees, were confiscated, both before the existence of those decrees was known, and after they were repealed; and vessels and cargoes, sequestered in the ports of Holland and Spain, were sold without trial, and the proceeds deposited in the French treasury.

The general pretence on which these measures were founded, was as groundless and injurious as the measures themselves were illegal and violent. It was pretended that France was authorized to resort to them, by the failure of the United States to cause their neutral rights to be respected by Great Britain. This pretence was in direct and notorious contradiction of the fact that the United States were exerting themselves to the utmost to compel Great Britain to desist from her aggressions on our commerce; and, from the first commencement of those aggressions, pursued a course of policy which eventually terminated in the extreme measure of war. Had the course of the United States been less clear and unexceptionable in this respect, it is unnecessary to state that it would have furnished no justification to the unprecedented acts of violence committed by the Government of France on the commerce of America. To pretend that the vessels of a neutral Power are denationalized, and, as such, subject to capture by one belligerant, because they have been spoken or boarded by another, and on the ground that the neutral has not sufficiently vindicated his rights against that belligerant, is as destitute of warrant in the law of nations as it is of foundation in justice or common sense. In fact, the undersigned need not characterize the policy of the French Emperor more strongly than he did himself, when he callled it "a revival of the barbarity of the dark ages."

To these violent, injurious, and offensive measures of the imperial Government, the United States opposed a steady course of counteractive but pacific measures, accompanied with the most earnest remonstrances and appeals to the justice of France. These appeals were at length, by the force of events, rendered efficacious. A prospect of satisfaction was held out. Not only were the obnoxious decrees repealed, and the illegal captures suspended, but indemnity was promised for the losses which had been sustained. Mr. Barlow was invited by the French minister to repair to the head quarters of the imperial army in Russia, with a view to the settlement of the points of difference between the two countries. His death in Poland, and the subsequent disastrous events of the campaign, prevented the pursuit of the negotiation.

It was renewed under his successor, Mr. Crawford. The Duc de Vicenza was directed by the Emperor to prepare a report on the subject of the American claims. This report was presented to the Emperor on the 11th of January, 1814. The principle assumed was, that no indemnification ought to be made for vessels seized under the Berlin and Milan decrees; but that it was due for vessels seized after the 10th of November, 1810, when the decrees were revoked in favor of the Americans; for vessels which were seized at a time when no notice had been received of the decrees; for vessels destroyed at sea; and for those seized at St. Sebastian's. These were estimated to amount to about thirteen millions of francs, viz:

Class the first, - - - -	1,800,000	francs.
Class the second, - -	1,700,000	do
Class the third, - -	2,200,000	do
Class the fourth, - -	7,000,000	do
	12,700,000	francs.

These amounts were estimated on lists of the vessels, and sales furnished by the Department of Commerce. "But," adds the report of the Duc de Vicenza, "as it may be admitted that the prices are generally below the real value, and as these lists are not yet complete, it may be supposed that the indemnifications to be granted will surpass this sum, and may be stated at about eighteen millions of francs." Here the undersigned pause for a moment to remark on the extent of the admissions made by the imperial Government of France, in January, 1814. It was then admitted that, for the four classes of cases named, indemnity was justly due; and that, under these heads, the sum payable was, on the lists and estimates furnished, about 13,000,000 francs; but that, as the lists were incomplete, and the estimates doubtless low, about 18,000,000 francs might be considered due. Let it be remembered, then, that this is an *ex parte* estimate, made entirely without the concurrence of the claimants, or even of Mr. Barlow, who, on the contrary, rated the losses suffered by American merchants at 70,000,0000 francs; that it does not include the Antwerp cases, perhaps the strongest of all; that it is confessedly a low estimate, derived from official returns of forced sales, and where every inducement existed to underrate the value of the property, for the sake of lessening the amount of duties payable; and, finally, that it is a debt acknowledged to be due twenty years ago, and on which, consequently, a fair claim for interest exists, (itself amounting, for twenty years, to 21,600,000 francs;) let all this be remembered, and who will deny that twenty-five millions of francs, payable at this time, are a very moderate, not to say inadequate remedy, on principles acknowledged to be correct by the French Government? If, to all these considerations, be added, that the captures and condemnations under the Berlin and Milan decrees were, under the law of nations, to the full, as unwarrantable as the destruction of property at sea, who can deny that the American Government, in accepting 25,000,000, by the treaty of 1831, gave a signal proof of moderation, and, if liable to censure in any quarter, it was on the part of the claimants, receiving so small a portion of their just demands?

The downfall of the French empire, of course, arrested the progress of the negotiation with the United States. It was resumed with the Government of the restoration. Mr. Gallatin, our minister, at that time in France, was instructed to urge the claims on the French ministry. France was, at that time, severely burdened by the amount of the indemnities which she was bound to pay, by the treaties contracted with the allied sovereigns of Europe. The minister of France (at this time the Duc de Richelieu) appealed to the considerate feelings of the American Government not to press its claims when they would be peculiarly onerous to France; and this appeal was successful. It has now recently been pretended, against the force of the precedent of indemnification set by the payments to the great European Powers on the restoration of the Bourbons, that they were of the character of military contributions made to Governments, and bore no resemblance to the reimbursement claimed by citizens of the United States. That they may have been, in part, of the character thus pretended, is not denied; but that provision also was made for the payment of claims of a character identical with those for which indemnification has so long and so injuriously been withheld from American citizens, might, if the limits of this report admitted, be proved by specific instances.

At the earnest request of the French minister, the American claims, as has been observed, were postponed. It was understood, however, and stated by the minister, that this postponement was not considered by him as a rejection. At length, after four years' delay, and when France had recovered from the exhaustion of European indemnities, the American claims were modestly preferred. They were sustained with equal perseverance, skill, and force, by Mr. Gallatin, in his correspondence with several persons who successively filled the place of Minister of Foreign Affairs. Of several of his applications no notice was taken; to some of his letters no answers were returned; and his efforts seemed to have been wholly unsuccessful, though marked with an ability not surpassed in diplomatic history. The first plea was positive inability. This was backed by the general argument of not being responsible for the acts of the imperial Government. When the former excuse had happily ceased to have a foundation in fact, and the latter had been demonstrated to have no warrant in public law, the claim for indemnities was most unjustly attached to the controversy relative to the commercial intercourse between the two countries; and that being disposed of, the construction of the eighth article of the Louisiana treaty was brought up as a still more effective ground for delay.

By the eighth article of the Louisiana treaty, it was stipulated that French ships should for ever be admitted into the ports of Louisiana on the footing of the most favored nation. At a period when, in consequence of a series of duties all but prohibitory on American vessels in France, similar tonnage duties were laid on French vessels in America, France set up the extravagant pretension, that her ships should be admitted free of tonnage duty in New Orleans, because English vessels were so admitted there, as in all the other ports of the United States, in virtue of the commercial convention between America and Great Britain, by which the discriminating duties on both sides were abrogated. The extravagance of this pretension—apparent on its face—becomes more so when it is reflected that, at the time it was brought forward, it would have driven all the trade between the two countries into French vessels, and into the single port of New Orleans. The unreasonableness with which it has been urged as a bar to the satisfaction of the claims, is seen in the consideration that, by the commercial convention between France and the United States, of 1822, France actually enjoys this "favor" (if a purchased exemption can be so called) on the same terms on which Great Britain and all other nations enjoy it. It may be further added, in illustration of the spirit with which this obstacle has been thrown in the way of the settlement of the controversy, that the stipulations in favor of America, by the fourth article of the convention of 1800, have (as has been already stated) remained unsatisfied by France to this day.

Nevertheless, this monstrous pretension was fastened on the question of payment of indemnity, and could not be shaken off. At length, in 1827, by the operation of the commercial convention between the two countries, the discriminating duties on both sides expired. As a practical question, nothing remained but the amount of indemnity to which the French navigators might be entitled for the burdens laid on their tonnage for the few preceding years; and, as a question of abstract right, it seemed difficult to make a serious affair out of the difference between an abolition of discriminating duties under the treaty of April 30, 1803, or the convention of June 12, 1822. Weary of the obstacles which this question threw in the way of the justice due to our citizens, it was determined by the President of the United States (Mr. Adams) to make an effort to remove it, by an offer to submit the question, thus narrowed down, to arbitration. On this new basis, the negotiation was resumed by Mr. Brown. On the return of this gentleman to America, the attempt was again made by his successor, Mr. Rives, on a basis substantially the same, to bring the French Government to the performance of its duty. The negotiation was carried on by this minister with great diligence, perseverance, and vigor, and brought, in his judgment, to a state promising a speedy and satisfactory arrangement. The Prince de Polignac, at this time the head of the French ministry, is stated by a Deputy, in the debate in the French Chambers on the execution of the treaty, to have cautioned his successors, after the revolution of July, to beware how they paid the American claims, inasmuch as "he had investigated them, and found nothing was due." Whether this discreditable sentiment is to be ascribed merely to perturbation of mind and confused recollection, (as charitably intimated by the French Minister of Foreign Affairs, in reply to the statement,) or whether the Prince de Polignac had really been guilty of duplicity toward our minister, the undersigned are not called on to decide. At all events, the revolution of July, 1830, found the American claims unsatisfied.

With that auspicious event, a more promising aspect of the negotiation presented itself, but one not unencumbered with difficulties.

The Government of July admitted the obligation of France to make indemnity for the wrongs done under the Government of Napoleon. As a Government founded on popular choice, it felt a sympathy with that of the United States, not to be expected on the part of the fallen family. Besides this, great influence was possessed, in the new Government, by individuals supposed to be animated by friendly sentiments toward the United States. Such was believed to be the case on the part of his Majesty the King of the French; such, of course, was the case with General Lafayette. But, on the other hand, a portion of the Government of July maintained the validity of the Berlin and Milan decrees; although the titles or chapters of the law of nations, which give the slightest sanction to those outrageous decrees, have never been pointed out. France, at this period, represented herself embarrassed in the state of her finances, and her popular institutions were alleged to create obstacles to the consummation of treaties imposing pecuniary burdens.

Such were the difficulties, as well as facilities, existing in reference to the negotiation of the convention. The points of embarrassment were the amount of the claims justly due, and the unhappy question of the interpretation of the eighth article of the Louisiana treaty. A sum as low as twelve millions of francs was named by the French commissioners charged to investigate the subject, and seventy millions was stated by Mr. Rives as the amount to which the just claims of his fellow-citizens undoubtedly extended. The sum of twenty-five millions was, at length, accepted by Mr. Rives, as being evidently the *maximum* to which the French ministry could be brought. The claim under the eighth article of the Louisiana treaty was considered as offset, by an important reduction of the duties on French wines for ten years, to the effect of giving them a discrimination over those of all other countries. France also stipulated, at the same time, to equalize the duties on long and short staple cottons, which, it is believed, has been so far done, that a royal ordonnance has been issued, admitting those two species of cotton into France, from all countries, on one and the same duty. In payment of claims of citizens of France, principally the Beaumarchais claim, a sum of one million five hundred thousand francs was stipulated, to be deducted from the amount of indemnity paid by France to our citizens.

Such were the conditions of the convention, a compact of that best of all kinds, viz: those which are mutually advantageous to both parties, for such the undersigned will presently endeavor to prove it. No time was lost by the American Government in carrying it into execution. A law was passed, at as early a period as was practicable, providing for those parts of it which required the co-operation of Congress. The payment of fifteen hundred thousand francs to French claimants was sanctioned by the appropriation of that sum out of the treasury, and the stipulated reduction was made in the duties on French wines. At the same session of Congress, in the general revision of the tariff of duties on imports into the United States, the discrimination in favor of European silks, over those from beyond the Cape of Good Hope, was carefully maintained. Suggestions have been made in France that this discrimination was kept up from general considerations of policy, and not from any purpose of serving or gratifying France. That the discriminating duties on the trade beyond the Cape of Good Hope were, in the origin of our revenue system, laid for the supposed convenience of the Treasury, and because it was thought this trade could bear a surcharge of duties, is perhaps true. The undersigned, however, are of opinion that such views, if ever entertained, have been long since exploded; that the trade beyond the Cape of Good Hope is now admitted to rest on the same general principles as the trade this side of the Cape of Good Hope, and that a discrimination between the two is an entire anomaly in our system. The discrimination in favor of French silks was notoriously regarded as a great boon by those most concerned to promote the interests of France. If doubts on this point exist in Paris, they will probably vanish on an examination of the archives of the Department of Foreign Affairs. The debates in Congress will not less conclusively demonstrate that the friends of this discrimination in the two Houses supported its continuance, from friendly considerations toward France. At the succeeding session of Congress, a law was passed providing for a gradual and general reduction of all duties on imports. By this law, the discrimination in favor of French wines was still kept up; and, while French silks were allowed to be imported free of duty after the 31st of December, 1833, those of China remain charged with a duty of 10 per cent. The undersigned have not the least doubt that the silk manufacturers of France would deem it to their advantage to advance a capital of 25,000,000 francs, for the sake of securing this discrimination. The interest on such a capital, at 5 per cent., is 1,250,000, which is not much over a third of a duty of 10 per cent. on the amount of French silks imported into the United States in 1833. But a release from the payment of so much duty is by no means the extent of the benefit accruing to France by this exemption. If no discrimination existed, a considerable part of the importation of French silks would cease altogether. On the other hand, to the United States it must be comparatively a matter of indifference whether the silks of China or France are consumed; the amount of this article required for their population would remain the same; means of payment would remain the same; and the quantity of American produce exported would also, of course, remain the same. The undersigned might go further, and maintain that, as silk fabrics are not an article of American manufacture, the duty on foreign silks is a duty of that description which imposes a burden on the country without any benefit, enhancing prices, diminishing consumption, and lessening the amount of domestic exports. This burden is laid upon the American citizen for the benefit of the European manufacturer.

Thus faithfully, and more than faithfully, did the United States fulfil, on their part, the stipulations of the treaty. On the part of France, an unexpected and highly to be regretted failure to fulfil the stipulations on their side has taken place. It cannot be a matter of surprise to the French Government or people, that this failure has created great discontent in the United States. Suppose the case had been reversed. Suppose France, as the United States have done, had punctually executed her portion of the stipulations—paid the twenty-five millions, and passed the requisite laws for equalizing the duties on cottons, and the Congress of the United States, after securing the money, had refused to reduce the duties on wines, would not such refusal have been the source of equal surprise, disgust, and offence, on the part of France?

The French Chamber of Deputies claims the right, under the constitutional charter of France, of withholding appropriations to carry a treaty like that of the 4th of July, 1831, into effect.

The French charter contains two articles, which are alone drawn in question in arriving at the conclusion that the concurrence of the Chambers is necessary to the validity of a treaty. By article 13, it is stipulated that "the King makes treaties of peace, alliance, and commerce;" and, by article 40, "that no tax can be established or collected if it has not been consented to by the two Chambers and sanctioned by the King."* It is affirmed, on the part of France, that the treaty of 4th July, 1831, is not a treaty of peace, alliance, nor commerce, but one of indemnity, and, consequently, that it is not such a treaty as the King alone can make. To this it may be replied, 1st, that it is purely a treaty of commerce, making provision for two objects, intimately connected with commerce, and nothing else. One of these objects is, satisfaction for certain spoliations formerly committed upon commerce; the other, the duties to be levied on certain articles of commerce in the two countries respectively. The undersigned believe that it would be very difficult to propose any rational definition of a commercial treaty, which would not include one whose provisions are of this character. Again, it deserves to be considered that, if the treaty of 4th July, 1831, is neither a treaty of friendship, alliance, nor commerce, then the charter of France contains no authority by which such a treaty can be made and concluded, either with or without the concurrence of the Chambers. The whole treaty-making power in France is confined to the words cited above from the 13th article of the charter. If these words do not give the King of the French the power to negotiate such a treaty, it is not vested in any branch of the French Government, nor in all together, and does not exist; a proposition which no one has presumed to advance.

But it is admitted in the French Chambers that the King has the initiative in negotiating such a treaty, but that, as it is a treaty for the payment of a sum of money, it requires, under the 40th article, the concurrence of the Chamber of Deputies. This argument would prove too much; it would prove that the concurrence of the Chambers is necessary, not merely to the negotiation of all treaties, but to the performance of many other functions expressly vested in the King. The argument is, that the treaties of peace, alliance, and commerce, may be concluded by the King, but that a treaty of indemnity, involving the payment of money, requires the concurrence of the Chambers. But does not a treaty of peace commonly involve the expenditure of money? Does not a treaty of alliance involve the expenditure of money, stipulating, as it may, that France shall make common cause with its ally, and thereby making it necessary to raise armies and equip navies? In like manner, treaties of commerce usually contain provisions absolutely requiring, under the French charter, the concurrence of the Legislature; as, for instance, all duties on imposts, which, as taxes, "must be consented" to by the Chambers. Thus, the three kinds of treaties, which it is admitted are within the absolute prerogative of the King, all require legislative co-operation. If this necessity of legislative co-operation proves, in reference to the treaty of July 4, 1831, that the King could not definitively conclude that treaty, it proves the same thing, for the same cause, of all other kinds of treaties which are acknowledged nevertheless to be within his exclusive competence.

But it is supposed in France that this claim on the part of the Chambers is supported by the analogy of the American constitution. The undersigned do not so understand the constitution of the United States. By that instrument, the treaty-making power is vested exclusively in the President and Senate; and a treaty, duly made by them, is declared by the same instrument to be the supreme law of the land. By other provisions of the federal, as of the French constitution, the power to lay and collect taxes is vested in the Legislature; and it is a provision of the federal constitution, to which the undersigned do not find a parallel in that of France, that no money shall be drawn from the treasury except by appropriations made by law. It follows, of course, that Congress has the power, in all cases, to prevent the execution of a treaty requiring an appropriation of money, and it would have a right to exercise that power in any extreme case in which the treaty-making authority had so abused its trust as to impose on the other branches of the Government the painful necessity of refusing to execute a compact constitutionally entered into with a foreign Power. But this right (a high conservative right, to be applied when flagrant evils require extreme remedies) is not confined to a check on the treaty-making power by the two Houses of Congress. As no legislative act can be consummated without the concurrence of both Houses, either House possesses the same power, and, in an extreme case, the same right, not only to check the treaty-making power, but to arrest the whole action of the Government. Thus, also, in France the King is commander-in-chief by land and by sea, and has the sole power of declaring war—a power which has been exercised by his present majesty. It would seem to result, from the doctrine of the necessary co-operation of the Chambers in all executive acts drawing after them an appropriation, that a declaration of war, and a movement of troops, would not be lawful (and, if not lawful, then necessarily predatory and piratical) till the Chambers had voted the expenses of the campaign. The undersigned cannot but regard it as a singular paradox, to admit that the King of the French has the sole right to declare war against half the Powers of Europe, (a right which some of those most opposed in France to the American treaty have loudly urged him to exercise;) to put in motion every soldier and every ship of war in the French service, and involve the kingdom in an expense of a thousand million dollars; but that he has no power, for the sake of preserving "the relations of good intelligence and sincere friendship which unite the two countries," to enter into a contract with the United States for the payment of twenty-five millions of francs, in compensation for spoliations committed on their commerce.

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* Art. 13 de la charte constitutionelle.

"Le Roi est le chef suprème de l'état; il commande les forces de terre et de mer, déclare la guerre, fait les traités de paix, d'alliance, et de commerce," &c.

Art. 40.

"Aucun impôt ne peut être établi ni perçu, s'il n'a été consenté par les deux Chambres, et sanctionné par le Roi."

The undersigned, of course, are not ignorant that, in the early history of the constitution of the United States, the right of the House of Representatives to exercise an ordinary control over the treaty-making power became a controverted question; that, in a time of violent excitement, this right was maintained by one political party opposed to the administration of General Washington, and that it was denied by that illustrious man and those who sustained his administration. But the undersigned believe that the people of the United States have, generally, settled down upon the construction then given by President Washington to the constitution. They fully accord with the opinions entertained by the present Executive and our minister in France, as expressed in the letter of Mr. Livingston to the Duke de Broglie, of October 5, 1833, that, "a treaty made and ratified by the constitutional power, pledges the faith of the nation to the performance of its conditions;" and that the power possessed by the legislative to check the treaty-making branch of the Government, can only be lawfully exercised in extreme cases. It is plain that such a power, so limited in its application, cannot, without the prostration of all the principles of constitutional government, be converted into one of the ordinary functions of the political system. Great practical inconvenience, injustice, and evil, would result from the attempt to throw the negotiation of treaties into large deliberative bodies, where the other party to the compact would have no representative. It is a course of procedure encumbered with difficulty, essentially invidious and unfair, and which, if attempted to be brought into ordinary use, would go far to render the negotiation of treaties a political chimera. When is there to be an end of such a negotiation, with the Atlantic ocean between the parties? The French Chambers propose to cut down the sum to three millions. The American Congress may think it should be raised to ten. Is it not plain that no treaty could ever be concluded under these embarrassments? Or is it meant in France, that while the United States are bound by the five millions as a maximum, they may reopen the negotiation by an ex parte procedure in their Chambers, to reduce it as much lower as they please?

But granting to the majority of the French Chambers (what, for the reasons stated, the undersigned can never admit) that the faith of France is not irrevocably pledged to the United States for the faithful execution of this treaty, it will not surely be denied that the faith of that country is at least most seriously committed. By her constitutional charter, she has recognised a sovereign as "the supreme head of the State,"* seated upon a throne for life, to be transmitted to his successors. In this high functionary, whose person is declared by the charter to be inviolable and sacred, the treaty-making power is vested. To discredit a treaty duly made and ratified by him, is to affix a stigma on the permanent head of the Government, and, while, by a kind of mockery, his person is declared sacred, to attaint his honor. We are informed by Mr. Livingston, that, in assuring him that the treaty should be fulfilled, the King added, "I tell you this not only as a King, but as an individual whose promise will be fulfilled." In the United States, the President and Senate, who should negotiate a treaty so objectionable that the House of Representatives would refuse to execute it, would probably be removed from their trust at the next elections, and might be impeached. But so long as the Chambers refuse to carry into effect a treaty negotiated by the King, who can neither be removed by election, nor proceeded against by impeachment, they hold up their sovereign to the world as a functionary whose contracts will not be fulfilled, whose engagements will not be respected by his own subjects, whose full powers give no power, and who, when he "concludes and signs a treaty," concludes nothing; and signs a piece of parchment, which the Chamber of Deputies are competent to trample under foot, despite of his Majesty's name in its caption, and the great seal of France affixed to its folds. If the Chambers declare it not binding, they declare it a nullity, not to say a mockery. Would it be a grateful spectacle to them to have it treated as a nullity, or a mockery, in the bureau of the State Department of Washington? to see this solemn document, of the highest class known to the law of nations, signed by the minister of the King of the French, in virtue of full powers, "in good and due form," and fortified by the royal seal of France, swept out as worthless and delusive rubbish?

There are hundreds of individuals in America reduced, some to narrow means, others to absolute poverty, by the lawless acts of the French Government, and whose hopes and prospects in life were resuscitated when the word of the King of the French was passed that their property should be restored to them. What will be their feelings, when they find (if find they must) that the word of the King of the French is to avail them nothing; and that the Legislature of France is willing, at a period of boasted light and civilization, to sanction the unexampled infractions of public law and neutral right by which their property, twenty-five years ago, was swept from the ocean?

But the undersigned have done violence to their feelings in supposing, for the sake of argument, even the possibility of a state of things so painful and unnatural. Their object has been merely to illustrate that peculiar necessity of tenderness to the engagements of the sovereign, resulting from a monarchical form of government, with which any supposed right, on the part of the Chambers, to annul a treaty, should be exercised.

But to clear the question of all conceivable embarrassments, the undersigned will now admit (of course, merely for the sake of the argument) that the Chambers have not merely the power, but the full right to annul the treaty, and that they could do it without committing the honor of the King. These admissions would bring the question down to one of mere policy; and the undersigned cheerfully undertake to show that it is decidedly for the interest of France that the Chambers should provide for the execution of the treaty. It is an advantageous treaty to France; it is for her interest to execute it. In saying this, the undersigned do not mean to assert that it is not an advantageous treaty for the United States, although they deem it vastly more advantageous to France than it is to the United States. But it is advantageous to France, which is all that is necessary to prove.

It was admitted in the French Chamber, by those opposed to the treaty, that a considerable sum of money was due on account of the claims. There was a general willingness to admit that this just debt amounted, at least, to the sum at which it was rated by the Emperor Napoleon in 1814, viz: at from thirteen to eighteen million francs. But even this sum, justly due then, would amount now to more than the indemnity provided by the treaty; and if due then, it is due with interest now. But America has always contended that much more was then due; and the commissioners employed to liquidate the claims under the convention of 1831 have already received, examined, and admitted, claims to the amount of eight or ten millions of dollars. These claims are all verified on the oath of parties, and examined with the greatest caution by the commissioners—large amounts being suspended, and no inconsiderable ones wholly rejected.

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* "Le Roi est le chef suprême de l'Etat."

It is then certain that an amount is justly due to the American claimants, greater than the treaty provides. The treaty, therefore, is advantageous to France in procuring her a release, for 25,000,000 francs, of a greater amount of debt. And even if she brought down the debt to the sum admitted by the Government of the Emperor Napoleon, it would amount, by this time, to the sum provided for by the treaty. But if France saved not a dollar in the amount of the indemnity, the treaty would still be advantageous to her; for when an onerous debt, and one which has been the cause of irritation, is paid, the debtor has, to say the least, as much reason to congratulate himself as the creditor. As a matter of interest to the United States as a people, the pecuniary value of the indemnity is very inconsiderable; it may amount to about thirty cents a head to her population. But, on the score of national character to the French, it is of great moment to be finally exonerated from an unpopular debt.

While the undersigned are considering the amount of the debt, which really seems to have been the cause of the defeat of the appropriation bill, they cannot but notice one of the extraordinary misstatements which were made in the French Chamber—misstatements which seem to have contributed essentially to the loss of the bill. Toward the close of the discussion, two or three members of the Chamber of Deputies, in the manner of persons who seemed to themselves to have made an important discovery, announced to the Chamber that the vessels and cargoes seized at St. Sebastian's, and other ports in Spain, had already been paid for, to the United States, by the Florida treaty, to the amount of eight millions of francs, and that the indemnity ought, to this extent, to be reduced. It was stated, in reply, by the Minister of Foreign Affairs, and with perfect accuracy, that these cases were not, in point of fact, provided for by the Florida treaty. But notwithstanding this denial, a member persisted in reiterating the statement, and gave in detail the proofs of what was not, and is not, true; and under this apparently strong impression, the question was taken, and the bill lost by a majority of but eight. Now, it seems not unlikely, inasmuch as the chief objection to the indemnity was that it was placed too high, that if these plausible statements relative to the St. Sebastian's cases could have been effectively contradicted, the small number of eight votes might, at least, have been obtained. On this side of the water it is notorious that the St. Sebastian's cases were excluded from all indemnity under the Florida treaty, and that the greater part of them have actually been admitted by the commissioners now sitting under the convention of 1831. The undersigned cannot forbear stating, that among these cases are several of American vessels which, after being captured by French cruisers, were taken into the public service of France as national vessels.*

It is, indeed, somewhat humiliating to reflect that American vessels, in time of profound peace, carrying on a lawful commerce, invited by the French authorities, for their own convenience, into ports under the jurisdiction of France, should be suddenly, and (in the circumstances of the case, it is not too much to say) treacherously seized by France, and some of them converted into national ships, and not only no indemnity be made to their rightful owners, after years of patient solicitation, but when satisfaction is at last stipulated by treaty, in all the constitutional forms known to the two Governments, it should be gravely and effectively urged, as a reason for not executing this treaty, that Spain had paid this debt of France twelve years before!

From all these debts, which it so nearly imports the justice of France to pay, the treaty releases her for a sum of 25,000,000 francs, which the undersigned firmly believe to be less than one-third of the principal sum originally due.

Nor do they deem the mode in which the Louisiana question is disposed of less favorable to France. They have already briefly explained the nature of that question. It has been shown that the French interpretation of the convention gives her nothing which she has not long enjoyed. Some of the orators in her Chamber, in opposing the treaty, evidently labor under the persuasion that the United States, in contesting the French claim under the eighth article of the treaty, withhold from her some boon, great or small, to which she is justly entitled. Not so. She has already, under the commercial convention of 1822, all that she claims; nor is there the least probability that she will ever cease to enjoy it. And though she claims it under the Louisiana treaty, and enjoys it only under the commercial convention, yet, as she enjoys all she claims, it really seems rather an unworthy cause for which to disturb the harmony of two great nations, and drive the U. States into war, that we will not agree with her as to the ground on which she ought to enjoy it. France, too, must remember that, though she is very confident her interpretation is right, we also are very confident ours is right. One of her orators permitted himself to say that the Government of the United States deprived France of her rights under the eighth article of the treaty, on "miserable pretences—pretences which they knew to be miserable." This is not the kind of logic by which the United States are to be persuaded that their interpretation of the treaty, sustained as it has been by their most distinguished statesmen, is erroneous. And while France, as is actually the case, has received all that she claims, it seems really somewhat unnecessary to dispute about the considerations which have led the United States to concede it.

The only reasonable claim that France could advance under this head, was, as has been said, the reimbursement of what she deems the unjustly levied duties on her tonnage, which were paid between 1815 and 1827. Besides, that the amount of these duties is probably not a tenth as great as that of the sums due our citizens, under the fourth article of the convention of 1800, the United States deny that the duties were unjustly levied. But fatigued with the controversy, and unwilling to let a matter really so trifling stand in the way of the payment of the indemnity due to our citizens, the United States offer to grant to France important favors in the tariff of duties on her wines—favors worth to France, on the computation of her Minister of Foreign Affairs, 800,000 francs per annum, for ten years, a sum greatly exceeding—many times exceeding—the utmost amount to which the loss above alluded to can be supposed to extend. While, then, the eighth article of the Louisiana treaty practically gives to the French nothing on their own construction—that is, nothing which they would not enjoy on the general commercial system of the United States—the treaty of July, 1831, gives them, for ten years, an advantage in the impost on their wines of 800,000 francs per annum, even supposing that the consumption will not increase in consequence of the reduction of duties; the contrary of which is notoriously the case.

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* *List of American vessels seized at St. Sebastian's, and taken into the public service under an Imperial decree of 22d September,* 1780.

Schooner Exchange, of Baltimore, Captain Dye, was taken into the public service, and sent with despatches to Philadelphia, where she was libelled by American owners, and restoration ordered by Judge Washington, in the circuit court; sentence afterwards reversed in the Supreme Court, on the ground of her being a national vessel of war!

Schooner Trim, of Baltimore, Captain Bunbury.
Schooner Post Boy, of Baltimore, Captain Adams.
Schooner Eleanor, of Baltimore, Captain Gover.
Schooner Hawk, of Baltimore, Captain Goff.
Schooner Fawn, of Baltimore, Captain Young.
Schooner Prosper, of New York, Captain Shelby.
Ship Hawk, of Philadelphia, Captain Brown.

The remaining 29 American vessels seized at St. Sebastian's, were sacrificed at auction by order of the French Government to the highest bidder, and brought very little, say not more than a franc on each dollar of their cost in the United States.

In addition to this, we have already observed that the French silks enjoy a most valuable discrimination over those of China. This, it is true, is not stipulated by the treaty, but it was kept up, in the last revision of the tariff, out of friendly consideration of the interests of France; and there is no particular reason to think that it will be suppressed, should friendly relations be continued between the two countries; but it will be abrogated, as a matter of course, if the treaty is not executed. The undersigned would not be thought ignorant of the fact that a good commercial treaty is mutually beneficial, and that the United States enjoy advantages in an active commerce with France; but so they do in an active commerce with any other country. The undersigned are not satisfied that discriminations in favor of French wines or silks are of any benefit to the United States: they change the course of trade, but do not, of necessity, increase the amount of products exchanged; perhaps they diminish it. And whatever particular course of policy be pursued by the United States, on the failure of France to execute the treaty, these commercial discriminations in her favor will be abrogated, never to be renewed. They are so far anomalous in our system, liable to such objections on the part of other Powers, and of benefit so questionable to ourselves, that, once lost by France, they will never be regained.

There is another consideration which well deserves to be weighed by France. Her commerce with the United States is considerably more important than that which she carries on with any other nation. According to a statement of her commerce for 1833,[*] which appears to be derived from official sources in France, her exports that year to the United States amounted to 117,396,336 francs, and her importations from the United States the same year amounted to 99,079,212 francs. These statements, it is true, appear to be much exaggerated. The American custom-house returns for the same year give our imports from France at 13,963,000, and our exports at $14,425,000.[†] But, in the debate on the execution of the treaty, in April, 1834, a member stated the exports from France to America at 110,000,000 francs for 1831, and 106,000,000 for 1833. This commerce unquestionably is of great mutual benefit; but it may be safely said, that while the manufacturers of France can bear no burden upon the raw material of those fabrics, in which they have a difficult competition to sustain with other

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[*] *Extract from the Garde National.*

MARSEILLES, *December* 19, 1834.

GENERAL STATEMENT OF THE COMMERCE OF FRANCE IN 1833.

The second result offered by the administration of the custom-house, in its *Tableau General*, is that of the whole of our relations with each of the great commercial Powers of the world.

The United States continue to be placed very far ahead of the nations with which we hold the most extensive trade. In 1833 our importations amounted to 99,079,212 francs, and our exportations to 117,396,336 francs. After the United States, the following is the order of the Powers with which our relations are the most extensive:

	Imports.	Exports.
England, comprising Malta, Gibraltar, and the Ionian islands, - -	$39,741,639	$116,195,858
Belgium, - - -	68,844,933	52,348,158
Spain, including the Canary islands, - -	43,844,595	62,491,590
Sardinia, island and continent, - - - -	$68,737.600	$49,687,122
Austria, includ'g the Lombard Venitian Kingdom,	48,243,379	6,657,401
Switzerland, - - -	31,168,003	58,191,499
Germany, - - -	28,567,138	41,945,770
Russia, - - - -	23,103,800	10,555,791
Prussia, - - - -	20,491,292	7,401,060
India, - - - -	27,406,138	5,205,112
Turkey, including the islands of the Archipelago,	17,164,911	14,412,779

NOTE—Continued.

[†] The following statements are taken from the official tables for the financial years, ending the 30th September of each year:

Imports from France.

Years.	Total.	Silks.	Wine.	Brandy.
1824	8,121,000	2,340,000	200,000	580,000
1825	11,836,000	5,632,000	412,000	860,000
1826	9,590,000	4,120,000	632,000	450,000
1827	9,449,000	4,284,000	565,000	684,000
1828	10,288,000	3,982,000	438,000	1,064,000
1829	9,617,000	4,363,000	444,000	614,000
1830	8,241,000	3,548,000	465,000	210,000
1831	14,738,000	6,888,000	651,000	256,000
1832	12,755,000	5,044,000	962,000	615,000
1833	13,963,000	6,256,000	920,000	850,000

Exports to France.

Years.	Total.	Cotton, lbs	Value.	Am.ton. cleared	Fr. ton. cleared.
1824	10,552,000	40,698,000	6,436,000	104,900	8,800
1825	11,881,000	30,012,000	5,916,000	100,500	14,500
1826	12,106,000	62,243,000	8,178,000	131,500	16,000
1827	13,565,000	70,423,000	7,350,000	147,700	16,600
1828	12,098,000	53,480,000	5,903,000	130,200	14,400
1829	12,832,000	67,464,000	6,855,000	157,700	12,100
1830	11,806,000	75,105,000	7,646,000	148,700	11,400
1831	9,883,000	46,127,000	4,264,000	98,800	7,500
1832	13,245,000	77,467,000	7,723,000	122,500	21,200
1833	14,425,000	76,833,000	8,845,000	119,800	25,400

countries, it is a matter of comparative indifference to America whether she derives the articles which form the bulk of her imports from France or some other country. Is it expedient for France to derange and break up a commerce like this, for the sake of escaping a payment of eight or ten millions of francs, of what she deems excess in the stipulations of a treaty, the principles of which she does not contest?

It is then greatly for the interest of France to execute the treaty; and though the undersigned hope that it is not set up as a principle that treaties not advantageous may be broken at pleasure, yet the demonstrated advantages of this compact cannot be overlooked by France, and, it may be hoped, will have their natural effect on her councils.

How does France expect to dispose of the affair in any other way than by executing the treaty? She admits that something is due, and will she not trust her King and ministers in a negotiation with the envoy of the United States to settle the amount? or rather, after it is settled, will she claim the right in her legislative bodies, where America has no representative, by *ex parte* statements, and monstrous misstatements, to reduce the amount stipulated by the treaty? The United States will never consent to this course of procedure; no branch of her Government will consent to it; not one of her citizens will consent to it. Whatever be the event, the United States will never reopen the convention, nor accept of one dollar less than its stipulated amount.

Will France take upon herself, under these circumstances, to refuse to execute her own treaty, to annul the act of her own Executive Government, and withhold the payment even of what she has acknowledged justly due? Can she promise herself national honor or benefit in such a course? Will the voice of an enlightened age sustain her? Will her conduct command the respect of the nations of Europe—of Russia, Denmark, Sweden, Great Britain, Portugal, Spain, the Two Sicilies—who have all made satisfaction, and several of them to a large amount, to the citizens of the United States, for claims of a similar character? Will the Governments of Europe deem it wise that the public peace should be disturbed, and the commerce of the world interrupted, in such a cause? Especially, will France withhold the satisfaction of our claims, after having formally stipulated it in a treaty ratified in all the forms of the constitutions of the two countries, faithfully executed by the United States, and after three years' unrequited enjoyment, on the part of France, of its beneficial provisions? That France has so long delayed to execute it is matter of equal surprise and regret. The delay is in her own wrong, and the impartial world will hold her responsible for the consequences. She has her own wrongful non-execution of the treaty alone to blame for all that may be done or said to her displeasure and reproach. The refusal to execute a treaty concluded at the close of a long and unpleasant negotiation, besides the grievous private injury done to the claimants, throws back the Government and people of the United States upon the unatoned outrages of 1809 and 1810. Is it an enlightened policy in France to throw upon her King the discredit of vacating a treaty which he has ratified, and to do this for the sake of assuming the responsibility of those remorseless violations of the law of nations, out of which the complaints of America arose?

Since the foregoing views on this important question were prepared, a message has been sent, by the President, to the House of Representatives, and referred to this committee, containing official intelligence of the recall of the French minister; of the tender of passports made to Mr. Livingston by the French Minister of Foreign Affairs; and of the presentation of a bill for the execution of the treaty to the Chamber of Deputies. The President also informs the House that he has directed Mr. Livingston to leave France, with the legation, in case the bill for executing the treaty should be rejected by the Chamber. In his letters of the 11th and 14th January, Mr. Livingston, from the means of information possessed by him at Paris, expresses the opinion that the bill will become a law. On the supposition that such may be the fact, the incidents connected with the interruption of the usual diplomatic intercourse between the two countries do not seem to require the legislative action of Congress, especially as the Executive has taken the steps which were deemed proper on the occasion.

It is not to be expected that, in the few days which remain of the session, official intelligence will reach us that the question is finally disposed of. The undersigned are willing, with the American minister at Paris, to anticipate that the bill for executing the treaty will become a law; the contrary, however, is possible, and, in this event, the action of Congress will be required. It is, however, at all times difficult to provide for events future and contingent, with great precision, by acts of provisional legislation. If no other objection existed to such legislation, a strong one would grow out of the want of time properly to mature the measures which might be suggested. Should no intelligence reach us before the close of the session, requiring the immediate action of the Legislature, the subject will be in the disposal of the succeeding Congress. If any thing should occur to make it necessary that they should act upon it before the usual time of their assembling, the President has the power to call an extra session. Those measures of security which prudence at all times dictates, and which belong to the general care of the public safety, have already, at the present session, received the attention of the appropriate committees and of Congress; and the undersigned are prepared cheerfully to co-operate in any further measures of the same character which the wisdom of Congress may sanction.

Nothing seems left, therefore, in the approaching dissolution of the present Congress, but to consign the whole subject to the consideration of the people at large, (with whom it is still, in some degree, a matter of novel impression)—to the wisdom of the next Congress, who will have all the information necessary for further action, if, contrary to the expectations of our minister at Paris, further action should be required—and to the disposal of an overruling Providence.

In respectfully submitting these views of the question, the undersigned will only add, as a closing sentiment, that they fully concur in what they believe to be the unanimous opinion of the present Congress, that the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on, at all hazards; and such, they doubt not, is the sense of the whole country.

EDWARD EVERETT.
ROBT. P. LETCHER.
R. COULTER.

House of Representatives,
February 27, 1835.

BANK OF THE UNITED STATES.

In Senate of the U. S., *December* 18, 1834.

Mr. Tyler, from the Committee on Finance, who were instructed by resolutions of the Senate of the 6th of February, 5th of May, and 30th of June last, to investigate the affairs and conduct of the Bank of the United States, made the following report:

The Committee on Finance, acting under the instructions contained in the resolution of the Senate of the

30th June last, beg leave, so far as the said resolution relates to the Bank of the United States, to submit the following report:

Immediately after the adjournment of Congress, the committee repaired to Philadelphia with the view of ascertaining, as preliminary to their subsequent proceedings, the readiness, on the part of the directors, to submit the books and papers of the bank to the free and unreserved inspection and examination of the committee. The letter, marked A, addressed by the committee, through its chairman, and the reply of the president of the bank, marked B, are hereto appended; together with a resolution of the board, appointing a committee to receive the committee of the Senate, adopted at a subsequent day, viz: the 16th September. The committee thereupon, as the readiest, if not the only, mode of acquitting themselves of the several duties required of them, devolved upon each of the members, separately, the task of obtaining such information as their respective States, and those most contiguous to them, would afford, relating to the several heads of inquiry embraced by the resolution under which they acted, and that a majority of the committee, or some of its members, should also assemble at some principal points. So far as the investigation into the affairs of the bank is concerned, the examination of each and every branch, separately, might have been desirable; but this was rendered impossible, not only by the limited period assigned for their labors, and the remoteness of the offices from each other, but because of the highly interesting character of other duties which the committee had to discharge, and which the interests of the country seemed to require should not be overlooked. After having visited such offices as could be most conveniently visited, a majority of the committee repaired to Philadelphia, on the 13th of September, and unremittingly prosecuted their investigation into the affairs of the bank to its final completion. They deem it proper to say that, in the examination which they have made, every facility was afforded by the officers of the institution which the committee could have desired. No hesitation or reluctance was manifested in furnishing any book or paper which was required, and every avenue to a full and free investigation, not only at the bank, but at the several branches visited by the committee, or any member of it, was promptly laid open. If, therefore, the committee has failed to acquit itself of its duty in the fullest manner, the fault is its own; and the only apology it would have to urge in its behalf would be, that, for the full examination into every operation of an institution so extensive in its dealings, and conducting operations so diversified and numerous, and at the same time so intimately blended with every interest of society, a few months may be considered as altogether too limited a period for the consummation of the task. The committee have, however, sought to make their examination full and complete upon the several subjects specified in the resolution under which they acted; and, taking them up in the order in which they are placed in the resolution, they now proceed to report upon them separately and severally.

Has the Bank violated its charter?

The first inquiry into which they entered was that which, standing first in the resolution of the Senate, may be regarded as of leading importance, viz: whether the bank had, during the period of its existence, so violated its charter as to expose it, not only to the hazard of a forfeiture, if the question should be raised in the courts, but to an actual forfeiture of public confidence? The committee did not deem it necessary to extend their inquiries to a period further back than the year 1820. An elaborate report was made in that year, by a committee appointed by the House of Representatives, embracing all the antecedent period. That report was acted on, at the time, by the House of Representatives, and the bank was fully acquitted of all liability for supposed infractions of its charter up to that time. The disclosures then made produced a change of directors and a subsequent change of policy; and it is to subsequent allegations against the bank that the committee have directed their inquiries.

The Exchange Committee.

The first charge into which the committee examined, because of its being the most gravely urged, is, that the bank violated its charter in having created a committee called the "committee of exchange," thereby devolving duties, which it is said the charter intrusted to the board of directors, on a small number. This charge comes with the greater force, in consequence of its having been publicly made by a gentleman lately at the head of the Treasury Department. Mr. Taney, in his report made to Congress on the 4th December, 1833, containing his reasons for removing the deposites of the public moneys from the Bank of the United States, uses the following language: "Instead of a board constituted of at least seven directors, according to its charter, at which those of the United States have a right to be present, many of the most important money transactions of the bank have been, and still are, placed under the control of a committee, denominated the exchange committee, of which no one of the public directors has been allowed to be a member since the commencement of the present year. This committee is not even elected by the board, and the public directors have no choice in their appointment. They are chosen by the president of the bank, and the business of the institution, which ought to be decided only by a board of directors, is, in many cases, transacted by this committee; and no one has a right to be present at their proceedings but the president and those he shall please to name as members of this committee. Thus loans are made, unknown at the time to a majority of the board, and which might probably be rejected at a regular meeting of the directors. The most important operations of the bank are sometimes resolved on and executed by this committee, and its measures are, it appears, designedly and by regular system, so arranged as to conceal from the officers of the Government transactions in which the public interests are deeply involved." The charge thus made not only involves a violation of charter, but a violation with a purpose highly fraudulent and criminal. Proceeding from a high officer of the Government, it claimed at the hands of the committee a full investigation, and they now submit to the Senate the result of their inquiries. As early as July 18th, 1817, being a few months more than a year from the time that the bill establishing the bank became a law, and within a few months of its actual organization, the board of directors established a department which was called "the exchange department," under the direction and management of the president, cashier, and three directors, to be appointed monthly, in rotation, three to constitute a board. At the same time the board adopted certain rules and regulations for the government of the committee, which are hereto appended (marked C.) To this committee was intrusted all the exchange business of the bank and its offices; and, on the 15th of August, of the same year, the exchange department was intrusted with all the business of foreign exchanges. In the adoption of these proceedings, there appears to have been unanimity of sentiment, the Government directors and all others voting for their adoption. The committee was directed, as before stated, to be appointed monthly, in rotation, but this part of the rule seems, from a careful examination of the books, to have fallen very early into disuse. For several years after the adoption of the rule, no regularity was observed in the appointment of the committee, intervals elapsing of three and six months, and once, at least, of an entire year, without the appointment of new members. This, doubtless, arose from the circumstance that the business of the bank in exchanges, both foreign and domestic, was very limited for many years after it went into operation. The rule of 1817 was, nevertheless, permitted to remain undisturbed until the 13th of February, 1821, when Mr. Lloyd reported certain regulations for the purchase of exchange, by which it was provided "that, in the absence of the exchange committee, the president and cashier shall be authorized to purchase exchange which may be offered for sale, if an immediate answer be desired, and report such purchases to the exchange committee at its next meeting thereafter." (See the report and resolutions appended, marked D.) The committee sought, by a minute examination, to ascertain when the rule requiring the appointment of the committee monthly, in rotation, was rescinded; but this search was fruitless. If rescinded by resolution, the minutes of the board contain no evidence of the fact. It seems, by usage and general acquiescence, to have grown into a quarterly committee, and from the 3d day of July, 1827, it has been regularly appointed quarterly. The president of the bank has uniformly named the individuals who should compose the committee. This he did upon the appointment of the first committee of exchange, and this he does to this day. His presence at the sittings of the committee arises from the fact that he was, by the board of directors, appointed a member along with the cashier; nor is there any thing which does not equally appertain to every other committee of the bank, in the fact that the members composing the committee alone attend its sittings.

By one of the rules under which the committee acts, it is directed, "once a week at least," to lay its proceedings before the board of directors, and your committee, for the purpose of ascertaining whether this rule was strictly observed, called before them the two Government directors, Mr. Macalester and Mr. Ingraham, whose statement, after being reduced to writing, was submitted to their perusal, and recognised by them as correct. That statement is hereto appended, (marked E,) and embraces also the statement of Mr. Lewis, one of the exchange committee, and of the first and second assistant cashiers, Mr. Andrews and Mr. Copperthwait. An extract is also appended from the deposition of Mr. Bevan, taken before a committee of the House of Representatives on the 12th February, 1832. From these several statements it will appear that the book containing the proceedings on domestic exchange is regularly laid before the board every discount day, open to the inspection of every director, and exposed to his most thorough examination; and that the book containing the business of foreign exchange is in the custody of the second assistant cashier, and is equally open to the inspection of any one or all of the directors. From Mr. Lewis's statement it also appears that the committee on exchange occasionally, and when the board is not in session, grants ordinary discounts, but the transaction is immediately entered on the discount book, which, to use his language, is emphatically "the book of the directors." The whole transaction thereby comes to the knowledge of every director, and the board has it in its power at all times to require additional security, or the payment of the note at maturity. Mr. Lewis states further, that notes are but seldom discounted by the exchange committee, and, for the most part, in cases where the delay in granting them would prove injurious to the applicants, or where the renewal of the note is asked for, which was not asked of the board because of some impediment in the way of the discounter which he could not overcome. This practice has grown up under the eyes of the board, and with its full knowledge, and received its approbation, no doubt, from the necessity which gave rise to it. The losses to the bank, through the operations of the exchange committee, have been remarkably small, and would seem strongly, if not conclusively, to imply that the appointments made by the president of the bank of members for that committee deserved any thing rather than censure. The committee have perceived no concealment, with or without fraudulent intent. The proceedings of the exchange committee are submitted to the board of directors, by virtue of whose resolution the committee are authorized to act; and as it has been spoken into existence by the fiat of the board, so, whenever it shall be found to exceed the bounds of a just authority, it may be restrained; and if found to be useless or pernicious, the committee itself may be abrogated. Much inconvenience would arise if one, having a bill of exchange, either domestic or foreign, was compelled to wait for the regular discount days before he could dispose of it. Other dealers in exchange would most probably engross, at a higher premium, the advantages which the bank has enjoyed through the agency of the exchange committee. Mr. Macalester, one of the Government directors, thinks that the committee of exchange is convenient and useful, but not indispensably necessary, and Mr. Ingraham does not consider it indispensably necessary. The first would have it a monthly committee, on which all the members should serve in rotation, in place of a tri-monthly, taking care to preserve one of the old members always upon it. The committee do not feel themselves authorized to go into the consideration whether it would be better to have the members well trained in the knowledge of commercial exchanges, which is ensured by a somewhat lengthened service on the committee, or whether it would be better for the board to adopt Mr. Macalester's suggestion, of changing two of the members every month. Mr. Macalester had too much sagacity not to recognise the necessity of continuing one of the members, with the view that the new members might avail themselves of his practical knowledge and experience, and therefore his reservation upon that point. Nor does it belong to the committee to measure the exact degree of necessity which calls for the establishment of a department on exchange. These are questions more properly for the decision of the board of directors, to whom, by law, has been intrusted the government of the institution. They must take care to avoid on their own part a violation of the charter; and the committee having presented to the Senate the history of the exchange committee, as far as they were able to procure it, together with its general course of proceedings, come now to inquire whether, in the creation of that committee, the directors have in fact exceeded their authority, and violated the charter of the bank.

It is already seen, that if it be violatory of the charter to have created the exchange department of the bank, that it is a violation almost coeval with the bank itself; and one, too, which, it is proper to add, wholly escaped the vigilance of the committee of the House of Representatives in the year 1819. The charter requires that "not less than seven directors shall constitute a board for the transaction of business;" and all would concede, that if less than seven should undertake to adopt and prescribe rules and regulations for the government of the bank, or assume the task of creating committees, their proceedings would be void, *ab initio,* because plainly and directly in opposition to the language of the charter, which provides, in the 7th section, that the President, Directors, & Co., shall have power "to ordain, establish, and put into execution, such by-laws and ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or the laws of the United States;" and by the 8th section commits "the management of the affairs of said corporation to twenty-five directors," not less than seven of whom, it is declared by the fourth fundamental article, shall constitute a board for the transaction of business. But if seven directors shall have met, prescribed rules for the government of the institution, appointed officers, created committees for the "convenient government" of the bank, in other words, adopted the necessary measures to put the bank successfully into operation, it would seem, to an impartial inquirer after truth, that the rules thus made, the officers thus appointed, and the committees thus created, would be entirely free from cavil or objection. The directors of a corporation, acting within the limits of their charter, are the legislators of the corporation, and their power to appoint agents, whether of their own body or others, to carry their laws or rules into effect, would seem to be as perfect as any function which they have to discharge.

The language of the bank charter is almost in substance the language employed in the constitution of the United States in reference to the two Houses of Congress, which declares that "a majority (of each House) shall be necessary to constitute a quorum to do business." With as much propriety might it be urged that the Senate, or House of Representatives, had violated the constitution by creating committees, or appointing agents to execute the laws, as that the directors, "seven of whom are necessary for the transaction of business," had violated their charter by the exercise of a similar power. The committee on exchange was created at the same time with the committee on the offices and other committees; has continued ever since; and exists, as your committee believes, not only in strict conformity with the charter, but with advantage to the bank, and convenience to the public.

Branch Drafts.

The next alleged violation of the charter is in the substitution of branch drafts in place of the regular notes of the bank. The responsibility of the bank, for the redemption of its paper, is prescribed in the following words, by the 12th fundamental article: "The bills or notes which may be issued by said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the corporation, shall be binding and obligatory upon the same in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner, as if they were so issued by such private person or persons: that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable, by endorsement, in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be assignable and negotiable by delivery only: provided that all bills or notes so to be issued, by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than one hundred dollars each, and payable to the order of some person or persons, which bills or notes it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof." By the 17th article it is prohibited from issuing any note of less amount than five dollars, and by the 14th section it is enacted "that the bills or notes of said corporation, originally made payable or which shall have become payable on demand, shall be received in all payments to the United States, unless otherwise directed by act of Congress." A review of these several provisions is necessary, in order to arrive at correct conclusions on this subject. It was at an early day considered by the bank to be of much importance that some other person than the president and cashier should be authorized to sign notes intended for circulation. It was, however, then believed that such authority could only be imparted through an amendment of the charter by act of Congress. Accordingly, in the year 1818, an application was formally made to Congress for an alteration of the charter in this particular, which application was subsequently repeated in 1820, 1823, and again in 1827, through the agency of the president of the bank. Congress did not act definitively on the subject. It came then to be suggested that the same purpose might be answered in another mode, through the instrumentality of drafts drawn by the branches on the parent bank. (See appendix.) The subject was submitted to three counsel, learned in the law, one of whom was at the time Attorney General of the United States, who concurred in the opinion that the bank would not be guilty of a violation of its charter, should it adopt the contemplated measure. The bank accordingly issued instructions on the 21st day of April, in the year 1827, to the several branches, directing the emission of drafts of the several denominations of five, ten, and, by order of the 7th January, 1831, of twenty dollar bills. The amount of these drafts actually in circulation, on the last of September of the present year, amounted to the sum of $5,164,037, and have been and still are as currently received in the daily transactions of the country, as the ordinary notes issued from the bank. They came also to be a subject of correspondence (see appendix) between the Secretary of the Treasury, Mr. Rush, and the president of the bank, which ultimated in their being received as freely in payment of the revenue as any other notes of the bank.

It is proper to state that a difference of opinion prevails amongst the members of the committee relative to the legality of these issues for the avowed purposes of currency. While they concur in the right of the bank to issue a draft or drafts for any amount payable to order, or of a branch to do so, where such draft or drafts are issued in the ordinary course of commerce, and rests on a fair business basis, it is, nevertheless, objected that a different motive and object should have led to the emission of these branch drafts, and that a circulating medium, not contemplated by the charter, should thereby have arisen. Obviously designed for this purpose, and for this alone, it is considered that it would have been equally as legitimate for the bank to have caused bills to be issued under the signature of any subordinate officer of the bank, drawn either upon itself or its branches, as to have adopted the expedient to which it has actually resorted. It is considered, also, that the restrictions imposed by the charter on the issue of any note of less amount than five dollars, might have been rendered wholly inoperative, if, under the right to issue a draft in the ordinary course of business, the bank had directed drafts to be issued, for the sole purpose of circulation, of a less denomination.

Those of the committee who entertain a different opinion think that these drafts are but bills of exchange; that they are legally binding on the bank; that if they pass through many hands, after they are issued, and before they are presented for payment, other bills of exchange often do the same, and in this way constitute more or less of the actual circulation of the country; that there is no restraint in the charter on the power of the bank to issue bills of exchange; and no intention to confine such issues to a particular denomination is therefore to be implied or presumed; that the reasoning which supports the legality of these issues would not apply to bank notes, signed by subordinate officers, and not by the president and cashier; because the power to sign such notes is expressly given to the president and cashier; and the common rule of law is, that, in instruments creating authorities and conferring powers, a power expressly given to one agent is understood to be withheld from all others. Nor do those members of the committee regard the argument as conclusive, even if it were true in fact, that by the issue of drafts the bank could render inoperative that provision of the charter which forbids the issuing of bank notes of a less denomination than five dollars. It would be no new case, they think, if one provision, in a long and complex instrument, should be found to be such as to render of little or even no use another provision in the same instrument; and though courts of law would be disposed so to construe the whole instrument as to give effect to all its parts, yet they know of no rule by which an express power, granted in terms which neither express or imply any limitation, can be restrained, in order to give more effect to other restraints. If this were admissible, the same reasoning would authorize a construction which should abolish the power altogether. The bank, it is probable, seldom draws any bill of exchange, large or small, which does not perform, and which, when drawn and purchased, is not expected to perform, to some extent, the office of circulating medium. In a thousand cases there may not be one in which the purchaser expects to receive the amount of the bill into his own hands, without transfer or endorsement.

These views appear to be sustained by decisions of the United States courts, where it has been held that, to counterfeit or forge one of these drafts, is punishable under the law.

The committee purposely avoid an elaborate argument on either side. They content themselves with stating the general principles on which their several opinions are founded, and submitting them to the Senate and the country. Those who maintain the legality of these issues are sustained by high legal opinion; and, in a great degree, by the fact that, for years past, the Government has taken these drafts, uniformly, as money, in the payment of its dues; thus virtually acquitting the bank from all liability to forfeiture, and giving the drafts themselves the impress of a legal currency. Nor do they perceive that the country has, by that proceeding, on the part of the Government, sustained any loss. These drafts are, every where, current; are redeemed by the bank with promptitude and readiness; and answer to commerce all the purposes of an unquestionable legal currency.

The Treasury order, lately issued to the collectors of the customs and receivers of the public moneys, was communicated to the president of the bank, whose reply to Mr. Woodbury, dated the 26th November, together with a circular addressed to the officers, dated 10th November, is hereto appended.

The contract with the Barings.

The only remaining subject which the committee deems it necessary to notice, in connexion with alleged violations of charter, is the arrangement entered into with Baring, Brothers, & Co., in the year 1832, through the agency of General Cadwallader, in relation to the three per cents. It might very well have excused itself from an investigation into this matter, after the two reports made by a committee of the House of Representatives, in the year 1833, where will be found imbodied all the facts connected with it, but for the direct allegation made against the bank, in the published addresses of the President of the United States to his cabinet, in which the following language is used: "The agent made an arrangement on terms, in part, which were in direct violation of the charter; and when some incidents, connected with this secret negotiation, accidentally came to the knowledge of the public and the Government, then, and not before, so much of it as was palpably in violation of the charter was disavowed." The charge thus made implicates most strongly the character of the directors of the bank, not only as unworthy but dishonest agents. It is no more or less than a charge that, if the negotiation could have been kept a profound secret, they would have sanctioned it in all its parts; but that they were driven from this purpose by the fact, "that some incidents connected with this secret negotiation accidentally came to the knowledge of the public and the Government," and that, in order to save themselves from public odium, and the bank from the effects of this violation of its charter, they dishonored, as far as they could do so, the agent whom they had employed, by disavowing his act. If this charge be well founded, the committee would have no hesitation in saying that the bank is not only responsible for the conduct of the exchange committee, that committee having acted in the matter under a resolution of the board, investing them with full authority, but that the directors connected with the transaction have proved themselves unworthy of their places. The charter expressly forbids the bank dealing in Government stocks. The act complained of by the President was an actual negotiation for the purchase of the three per cents. held in Europe, by one acting as the agent of the bank; and if he acted in pursuance of instructions and in compliance with them, the subsequent disavowal of his proceeding would have been made in Punic faith, and would expose the institution to the severest censure. In looking into the facts connected with this charge, the committee have been governed as well by a sense of what was due to the high source from which it has flowed, as from an earnest wish to do entire justice to the Government and the bank.

The facts connected with this transaction are as follows: On the 13th of March, 1832, the president of the bank, twelve of the directors, including the president, being present, submitted to the board the probability of the redemption by Government, in the course of that year, of a large portion of the three per cents. of the United States, more than one-half of which was held by foreigners; and suggested the expediency of empowering a committee to enter into such arrangement with the holders of the stock, as might, in their opinion, "combine the interests of the bank with those of the public;" whereupon it was, on motion, resolved, "that the subject be referred to the committee of exchange, with authority to make, on behalf of the bank, whatever arrangement with the holders of the three per cent. stock of the United States as would, in their opinion, best promote the convenience of the public, and the interests of the institution." The exchange committee, acting under the plenary power with which they were thus invested, adopted the expedient of appointing an agent to visit Europe, for the purpose of opening there a negotiation with foreign stockholders. The instructions to that agent are to be found contained in the two letters of Mr. Biddle, dated the 18th of July, 1832. The agent entered into a contract with Baring, Brothers, & Co., on the 22d of August, in London, and, by letter, which was received the 1st of October, advised the committee of exchange of his having entered into a contract, and on the 25th of August, he enclosed a copy of the contract, which, together with its envelope, reached the bank on the 11th or 12th of October, and by which it was stipulated by Baring, Brothers, & Co., "1st. To invite the holders of the three per cent. stock of the United States, to retain their stock until October, 1833; the bank engaging to pay their interest, quarterly, until that time. 2d. To buy up the said three per cent. stocks, on the best terms on which they can be obtained, at prices not exceeding ninety-one per cent., or as much higher as the running quarterly interest, in case of need; the costs of which stocks to be placed to the credit of the Bank of the United States, in a separate account chargeable with whatever rate of interest Messrs. Baring, Brothers, & Co., may be compelled to pay; the certificates of stock so purchased to remain with Baring, Brothers, & Co." On the 15th of October, the president of the bank, having submitted the contract to the exchange committee, addressed a letter to Baring, Brothers, & Co., from which the following is extracted: "As you remark, in your letter of the 30th of August, that you wish to have the account disposed of as the bank may deem expedient, I take the earliest opportunity of inviting your attention to one part of the arrangement with which it will be impracticable for the bank to comply. When the institution was chartered, at the close of the late war, the Government had a large debt, which it proposed to pay, or purchase up, out of the surplus revenue; and, in order to prevent any competition in those purchases, the charter expressly declares that the bank shall not be at liberty to purchase any public debt whatever. The object of the provision would certainly not be counteracted by the present operation, since Government has actually advertised the payment of the stocks, which are thus in fact no longer an object of purchase by the sinking fund. This circumstance it probably was which induced Mr. Cadwallader to regard the purchase of public debt so situated as not conflicting with the provisions of the charter. When, however, the stock was purchased in August and September last, it was still a subsisting debt; one-third of it will so continue until the 1st of January next, and even were the case less clear than it seems, the institution is, both from inclination and duty, disposed to give the most rigorous construction to its own powers. I am under the necessity, therefore, of apprizing you that the bank cannot consider as purchased on its account, the three per cent. stock reported by you in your favors of the 30th of August and 6th ultimo, amounting to $1,474,827 33." Two of the members of the exchange committee, men of acknowledged and unquestioned probity and honor, were examined on oath before a committee of the House of Representatives, in February 1833, and in reply to the following question: Had the president or exchange committee, any intention to disavow General Cadwallader's authority to make the contract he did, until after the appearance in the New York papers of the 11th or 12th of October last, of the circular of the Barings to the foreign stockholders of the United States' three per cent. stocks, announcing to them that they had the authority of the bank to purchase or negotiate a postponement of the stocks held by them? Answer of Mr. Eyre: "I can say yes, positively. I recollect it perfectly well. When I first read this letter, (General Cadwallader's of the 22d August,) I said it was not proper, and disavowed it." Answer of Mr. Bevan: "I never did see, myself, the notice referred to in the New York papers, but well recollect the moment the letter was received, giving information of the proceedings, in relation to that negotiation. The president of the bank, with the approbation of the exchange committee, immediately wrote, disavowing the nature of that arrangement, it having been made under a misapprehension."

These are the facts, then, which attend on this transaction. If reference be had to the letters of instructions under which the agent acted, those instructions look to an arrangement for the postponement of the period of redemption of the stocks, and not a word is said about a purchase. A correspondence was carried on about the same time by the president of the bank with Mr. Ludlow, as the representative in this country of certain holders of the stocks abroad; and the object of that correspondence was to obtain a postponement of the time of redemption merely. That correspondence is annexed to the report of the Committee of Ways and Means, already referred to. If the letter of Mr. Biddle to the Barings of the 15th of October be consulted, an express disclaimer of authority to negotiate for the purchase of the stocks by Mr. Cadwallader is found. If Mr. Eyre and Mr. Bevan are to be believed, when testifying on oath before a committee of Congress, then is there no reason to believe that "incidents, connected with this secret negotiation, accidently coming to the knowledge of the public and the Government," induced the bank to disavow the act of its agent in opposition to its own views and previous intentions. The only "incident" which the committee has been able to ascertain, as furnishing to the public or the Government any intimation of what had been done, was the publication which was made in the New York papers of the 11th or 12th of October, 1832, of the invitation addressed by the Barings to the stockholders: and it is worthy of remark, that the contract itself seems to require of the Barings the very publication which they made; so that if the contract was made with the approbation of the bank in the first instance, it authorized the very publication which, so soon as it appeared in print, caused it to disavow the contract. Whether such an irrational and contradictory course can be well ascribed to the directors, the Senate will have no difficulty in determining. No communication which the committee have been able to find amongst the papers of the bank, antecedent to Mr. Biddle's letter of the 15th of October, disapproving the contract, was received from the Secretary of the Treasury, or any officer of Government, disapproving what had been done. No intimation of the slightest displeasure, on the part of the Government, was given anterior to that date. How, then, it can be ascribed to the bank, that it disavowed the act of its agent in consequence of intimations given, either to the public or the Government, unless indeed there exist other facts, of the existence of which the committee are entirely ignorant, it is left to the Senate to decide.

The committee is not to be understood as approving the residue of the contract with the Barings, which looked to the postponement beyond the 1st of October, 1832, of the redemption of the three per cents. upon the payment of the interest by the bank. To the reasons which have been assigned by the bank for this measure, the committee do not permit themselves to look. The circumstances in which the commerce of the country was placed by the heavy importations of the preceding year, the large amount falling due to the Government on custom-house bonds, the apprehended effects on commercial operations and mercantile credit by the prevalence of the cholera—these were undoubtedly strong inducements with the bank to avoid, if possible, the large remittance of $5,000,000 abroad, to pay off the foreign holders of the three per cents.; but the Government had ordered them to be paid on the 1st of October, 1832, and the 1st of January, 1833. The bank was in possession of Government funds to an amount sufficient to meet the payment, and a postponement should not have been attempted without its previous sanction. It had, upon application being made to it, already postponed the redemption from July until October; and from those days it had a right to expect that the certificates of its stock should be delivered up. The committee do not believe that any injury would have arisen to the Government by the contemplated arrangement. The responsibility of the bank alone, and the acquittal of the Government from future liability for the certificates, postponed without its consent, would have been unquestionable; but still the bank, without its previous consent, should not have postponed the delivery of the certificates for a single day beyond that prescribed by itself. This view seems afterwards to have been taken by the president of the bank; for, in his correspondence with the Barings, he urges and obtains an alteration in the whole of the contract; and a surrender of the certificates of the stocks was made, as is said by the Committee of Ways and Means in its report to the House of Representatives in 1833, at an earlier day than would probably have otherwise been done, had the agency of the Barings never been invoked; so that in truth the Government was rather benefited than injured by these operations.

These are all the charges against the bank, tending to implicate it in a violation of its charter, into which the committee deemed it necessary to inquire. In truth, they are apprized of no other as at any time having been urged, importing any thing worthy of notice or examination, unless, indeed, it shall be considered as having subjected itself to accusation by the termination to which the contemplated examination into its affairs by a committee of the House of Representatives, during the last session of Congress, was brought. Upon that subject, the Senate and the country are already in full possession of all the facts; and this committee feels that it has fully acquitted itself of its duty by making reference to them. It might be considered as indecorous and unbecoming for this committee to express an opinion relating to the powers and rights of a co-ordinate branch of the Legislature, which is fully competent to decide the question for itself. It proceeds, therefore, to the next subject of inquiry presented by the resolution of the Senate, viz: the safety of such public moneys as have been permitted to remain with the bank.

Safety of the Public Deposites.

The following statement will exhibit their amount on the 1st day of November, together with the resources and liabilities of the bank:

Liabilities, on November 1, 1834.

Notes in circulation - - -		$15,968,731 90
Deposite to the credit of the Treasury		429,465 07
Public offices - - -		1,837,168 66
Private deposites - - -		6,741,752 24
Unclaimed dividends - -		82,791 98
Capital stock - - -		35,000,000 00
Total of liabilities of the bank, November 1, 1834 - - -		$60,059,909 85
To meet which, it has the following resources, viz:		
Discounts -	$34,667,828 24	
Mortgages - -	87,591 29	
Domestic bills -	11,086,373, 07	
Foreign bills -	- 2,727,782 11	
Real estate -	- 3,024,788 45	
Due from State banks	427,102 89	
Specie - -	15,910,045, 31	
Total of resources	$67,931,511 36	
Showing a surplus of resources over liabilities of - - -		$7,871,601 51
By referring to document marked 3 and 4, it will be seen that, by the returns of the bank in June and July last, the total of the ascertained and estimated losses is set down at - -		$6,005,315 71
Viz:		
On banking houses	$303,359 84	
On other real estate	150,820 94	
On suspended debt	1,744,427 13	
Desperate debts and losses on real estate already charged -	3,806,707 80	
		$6,005,315 71

And that the surplus funds of the bank are the contingent fund provided to cover the losses of the bank - -	$5,901,955 87
The fund for extinguishing the cost of banking houses - - -	976,019 59
Unappropriated balance of profit and loss account - - - -	3,166,670 71
Total amount of surplus funds	10,044,646 17
From which deduct estimate of losses	6,005,315 71
And the excess in favor of the bank is	$4,039,330 46

The statement of actual or probable losses is made half yearly, and hence the committee has referred to that of July. By the statement of the condition of the bank for the 1st of November, of the current year, it will be seen that the further sum of $30,809 80 has been carried to that head; which, deducted from the above excess, leaves still a surplus on that day of $4,008,520 66.

After this exhibition of the condition of the bank, the committee might well take leave of this branch of the subject; but they would but indifferently acquit themselves of their duty, if they overlooked other important facts which have a direct bearing upon this inquiry. From the fall of the year 1832, the credit of the institution has been put to the severest trial. By the report made by the Secretary of the Treasury, on the 5th day of December, 1832, the responsibility of the bank as a fiscal agent was called into question, and Congress was informed that an agent had been appointed to inquire into the security of the bank as a depository of the public funds; and an examination into its concerns, with the purpose of ascertaining the safety of the public moneys committed to its custody, was suggested. The conduct of the bank in regard to the three per cent. stock, was thereupon referred to a committee of the House of Representatives; and, in the report made by the minority of that committee, who were regarded at the time as holding sentiments somewhat congenial with those of the executive department, we find the following declarations. After having attempted to show that the statement of the condition of the bank was altogether deceptive, the report proceeds to say: "It hence appears that the bank is in a worse condition, by *seven and a half millions*, than it was in March, 1832, when it is admitted on all hands to have been under pressure. The reason why a more severe pressure is not now felt is, because the bank has so arranged its affairs as to evade making the payments which were required by Government." Again, on the same page, "although some of the liabilities of the bank are actually omitted in this statement, (the statement furnished by the exchange committee, in their report of that period,) and particularly the dividend, amounting to 1,225,000 dollars, declared a few days after, yet it presents the bank in a condition no more favorable *than in the most perilous moments of its existence.*" Not to multiply extracts from this report, the concluding sentence is referred to as not only well calculated to subject the bank to doubt and suspicion, but as an index pointing to more unambiguous results. "There is not time left for the further action of Congress, with a view to a more perfect information at the present session. Whether existing facts are sufficient to justify the Executive in taking any step against the bank, authorized by the charter, is a matter for the decision of the proper officers, acting upon their own views and responsibility. *An opinion by Congress can make it neither more nor less their duty to act.* Whatever, therefore, the opinions of the committee might be as to the justice or policy of any executive action, they deem it unauthorized and improper to express them officially."

If to these be added the efforts continually made to excite doubts and suspicions in the public mind as to the entire solvency of the bank; the concerted run made against the Lexington branch in the year 1832; the constant agitation of the public mind for some months anterior to the 1st of October, 1833; the actual withdrawal of the public moneys from the custody of the institution; the uncertainty which has since involved measures which the Executive might adopt against it; the declaration by Mr. Duane, that the administrative department was actuated, in all its measures towards it, by a spirit of "vindictiveness" and the circumstances of the times, it may be said, with every confidence in the truth of the declaration, that tests of the most severe and conceivable kind have been applied to ascertain its solvency. Whether any other moneyed corporation in the world could have stood up against trials so severe, is in the highest degree questionable. The loss of confidence by the public, in the credit of a moneyed institution, is the invariable precursor of its downfall; and panics against banks, arising often from unseen and unknown causes, have over and over again produced their overthrow. How deeply rooted, then, must be the public confidence in the *solvency* of the United States Bank, and in the skill with which its affairs have been conducted, when the doubts and suspicions of the Government itself, a partner in the concern, followed up by the most hostile action, has not only not shaken the confidence of the public in its responsibility, but when its notes are now as eagerly sought after as at any former period of its existence. These facts need no commentary, and the conclusion is resistless, that the public moneys deposited in the bank are abundantly safe. They therefore proceed to the next inquiry, presented by the resolution of the Senate, viz:

What has been the conduct of the bank since 1832 *in regard to the extension and curtailment of its loans and discounts?*

In order to meet this inquiry, the committee directed the statement, marked No. 3, to be prepared, from which it appears that, on the 1st of January, 1832, there was due to the bank—

Bills discounted on personal security	$48,852,570 34
On bank stock - - -	731,157 53
Other securities - - -	18,850 00
Making a total of - - -	$49,602,577 87
On domestic bills - - -	16,691,129 34
	$66,293,707 21

On the same day the bank stood indebted to the Barings, Hopes, & Company	$1,447,748 00
From which, if there be deducted the amount debited to Barings, Hopes, & Company, and foreign bills	91,668 23
The bank's indebtedness abroad is shown to be	$1,356,979 77

On the 1st of December, 1832, there was due, on bills discounted on personal security - -	$41,211,739 94
On bank stock -	673,689 42
Other securities -	3,038,688 71
	$44,924,118 07
On domestic bills	16,647,507 59
Total discounts and domestic bills - -	$61,571,625 66

Exhibiting a difference, between the 1st of January and 1st of December, 1832, of	$4,722,087 55

In the mean time the foreign debt was cancelled, viz: -	$1,356,079 77	
And the bank held funds abroad equal to -	2,859,733 19	
	$4,215,812 96	

Which, substracted from the difference above stated, exhibits a reduction of $506,268 59, between the operations of the bank on the 1st of January, 1832, and the 1st of December of the same year, manifesting a withdrawal of its funds from one subject of investment, and the adoption of another.

Thus, while the amount on notes discounted was reduced - - - - -		$7,640,830 40
The loans on stocks was increased - -	$2,962,370 60	
And the dealings in foreign exchange - -	4,215,812 96	
		$7,178,183 56

For the purpose of ascertaining whether the bank had curtailed or enlarged its operations between the 1st of January, 1833, and the 1st of September of the same year, the committee made a comparison between the condition of the institution on those respective days, the result of which is as follows:

	1st Jan. 1833.	1st Sept. 1833.
Local discounts	$43,626,870 32	$43,366,185 15
Domestic bills	18,069,043 25	19,287,174 44
Foreign bills	3,106,823 33	3,241,291 64
Total,	$64,802,736 90	$65,894,651 23

Thus showing an augmentation of credits of - - - -	$1,091,914 33

Which increase, if a comparison be made between the intermediate months and the 1st day of January, will be found to be even larger. In order to show what course was pursued at each of the offices and the bank, the committee caused the statements of the affairs of the bank and offices to be made out; and for the greater facility of looking into the condition of each office, the several statements therewith connected were directed to be prepared.

From the latter period a new era was about to commence with the bank. The Executive was assuming daily a more decided tone of hostility towards it, of which it received direct admonition in the appointment of a Government agent, to negotiate with the State banks, and the communications of the newspaper press. The blow at length came in the removal of the public deposites from the Bank of the United States to the State banks. The following statement will exhibit its responsibilities, for which a demand more or less immediate might be made, and its means for meeting it.

On the 1st day of October, 1833, it held—

Deposites of the Treasury	$6,691,833 15	
Deposites of public officers	3,176,552 43	
		$9,868,485 58
Private deposites - - -		8,008,863 72
Circulation - - - -		19,128,189 57
		$37,005,487 87

Its resources to meet those demands were:

Loans	$42,226,275 42		
Dom. bills	17,867,927 51		
		60,094,202 93	
Foreign bills -		2,375,390 23	
Due from State banks -		2,288,573 19	
Specie - - -		10,663,441 51	
			$75,421,607 86

The bank might reasonably have anticipated the following results:

1. A transfer of the whole amount deposited to the credit of the Treasury.

2. The future deposites of the Government would be made elsewhere, and a large portion of the revenue being received in the notes of the bank, would create a demand for specie against it, which it would necessarily have to meet.

3. The circulation would probably be forced in by the course the administration of the Federal Government had taken, as individual holders of its notes might reasonably entertain fears, when the public authorities had manifested their distrust of the institution; and the effects of this feeling might extend also to those who had made the bank the depository of their funds.

4. The bank, no doubt, anticipated a very decided diminution of the amount on private deposite, for this further reason, that the money of individuals is always withdrawn from a bank when money is in demand, and can be profitably and safely invested. The removal of the deposites was well calculated to produce an augmented demand for money, and to induce those who had it to withdraw it from the bank. The reduction of discounts, under any circumstances, always produces a diminution of deposites, either to pay the reductions, or to loan to those who have to pay them.

5. The administrative department of the Government had manifested a spirit of decided hostility to the bank. It had no reason to expect any indulgence or clemency at its hands; and in this opinion, if entertained by the directors, about which there can be but little question, subsequent events very soon proved that they were not mistaken. The President's address to his cabinet; the tone assumed by the Secretary of the Treasury, Mr. Taney, in his official communication to Congress, and the developments subsequently made by Mr. Duane in his addresses to the public, all confirm the correctness of this anticipation. The measure which the bank had cause to fear was the accumulation by Government of large masses of its notes, and the existence thereby of heavy demands against its offices. The consequence of the failure of any single branch would have been disastrous to the institution. It would have produced universal distrust against all banks, and led to a state of things the most calamitous to the country.

The bank, therefore, began at an early day to provide against contingencies. (See Appendix, No. 1.) On the 13th of August, 1833, it decided—

First. That the discounts at the bank and the offices should not be increased.

Second. That the domestic bills purchased should have but ninety days to run.

Third. That the five Western offices should purchase ninety days' bills only on the Atlantic cities, except when taken in payment of debt, when they might be taken at any place at four months.

This was communicated to all the offices in a circular dated October 12, 1833.—Appendix, Nos. 2 and 3.

To the five Western offices it was added, "It is a subject of regret to be obliged to impose any restraint on your business, especially on your operations in exchange, to which we attach particular value. The measures will, however, I trust, be only temporary, and will not be continued when the circumstances which render it expedient have passed." To the other offices it was said only, "these resolutions make, as you perceive, but little change in your present arrangements of business, and whatever restrictions they contain will, I trust, be temporary, and cease with the causes which have rendered them expedient at present.

On the 23d September, 1833, the board appointed a committee of seven members, "to take into consideration what measures it is necessary and proper should be adopted on the part of this bank, in consequence of the recent intimation that the Government deposites are to be removed."—Appendix, No. 4.

That committee, on the 1st October, recommended the following measures, which were adopted:—Appendix, No. 5.

1. To extend the regulation of the 13th August, as to the purchase of domestic bills at the five Western offices, to those of Burlington, Utica, Buffalo, Pittsburg, Natchez, and New Orleans.

2. To limit the purchase of bills of exchange to those payable in the Atlantic cities and New Orleans.

3. To fix the rate of exchange on different sections of the Union.

4. To decline the receipt of notes of distant State banks, except in payment of debts, and to collect the balance due from State banks.

The annexed statements, marked X, will show the balances due to and from the offices at Louisville, Lexington, St. Louis, Cincinnati, Pittsburg, and Nashville, at the several dates of the 1st October, 1833, January, 1834, and July, 1834.

On the 8th of October, the board decided "that a general and gradual reduction of the loans and discounts is at this time necessary," and they directed "that the committee on the offices be authorized to direct such a gradual reduction in the amount and in the time of the loans at the respective offices as may, in their judgment, be made without inconvenience to the customers of the bank or the community."—Appendix, No. 6.

The subjoined table, marked No. 4, will show the manner in which those reductions were apportioned among the bank and its offices, and the mode in which the orders of the board were carried into effect.

These orders were communicated by the president to the various offices by a circular; and in another of the 17th October, he urged upon them a perseverance in those measures.—Appendix, Nos. 7 and 8.

The whole amount of deduction ordered by the above proceedings, was $5,825,906 74. The same table, No. 4, exhibits the fact that, on the 23d January, a further reduction was ordered to the amount of $3,320,000.

This was communicated to the offices in letters from the president, stating "that the present situation of the bank, and the new measures of hostility which are understood to be in contemplation, make it expedient to place the institution beyond the reach of all danger; for this purpose I am directed to instruct your office to conduct its business on the following footing."—Appendix, No. 9.—*Copies of letters.*

The offices of Cincinnati, Louisville, Lexington, St. Louis, Nashville, and Natchez, were further directed to confine themselves to ninety days' bills on Baltimore and the cities north of it, of which they were "allowed to purchase any amount their means would justify;" and to bills payable at New Orleans, which they were to take only "in payment of pre-existing debts to the bank and its offices;" while the office at New Orleans was directed to abstain from drawing on the Western offices, and to make its purchases mainly on the Northern Atlantic cities.

The committee has thus given a full and somewhat elaborate detail of the various measures resorted to by the bank, from the 13th August, 1833; of their wisdom and necessity the Senate will best be able to pronounce a correct judgment. From these measures it will appear that the actual curtailment on existing debts ordered by the bank was—

On the 8th October, 1833,	$5,825,906 74
On the 23d January, 1834,	3,320,000 00
Total curtailment ordered,	$9,145,906 74

These orders were, in some instances, relaxed. To the offices at Boston and Savannah they were not addressed. At the former place the discounts were obviously below the fair proportion to which it was entitled, and, by the statement from that branch, it will appear that a large augmentation of its discounts actually took place.—[See *Statement, No.* 2 x, and *No.* 3 x.] It is, at the same time, proper to add, that during the same period a decided diminution in its dealings in domestic exchange occurred. The office at Louisville represented the inconvenience to the community of enforcing the reduction there, and it was countermanded. At New York, on an application from the citizens, it was suspended; and after some progress had been made in the reduction at Baltimore, the distress there rendered it necessary to expand rather than diminish the loans.

On the 27th June, 1834, the board appointed a committee of seven members, to take into consideration the present state of the bank, and to inquire whether any further measures be necessary, in consequence of the expected adjournment of Congress without taking any steps on the subject of the removal of the deposites.—[See Appendix, No. 10.] This committee, on the 11th July, reported, and the board adopted the following resolutions: First, That all orders for the reduction of loans shall be revoked, and that the committee on the offices should authorize any expansion of the loans and purchases of bills which they might deem necessary to relieve any pressure on the community. Under this authority, the committee directed expansions where they deemed them necessary; which, although they may have produced the effect of increasing the operations of particular branches, do not seem to have added to the aggregate of bank credits.

On the 16th September, the board directed the committee on the offices "to make any alteration in the several orders to the offices, as to loans, and as to the purchase and collection of domestic bills, that the interests of the institution and a just regard to the public interest may seem to require."

The committee adopted a scale of increase for the business of all the offices. The whole restrictions on the purchase and collection of domestic bills were revoked; and the offices, with some few local exceptions, were authorized to increase their local loans.

These complete the circle of the operations of the bank in regard to the public deposites.

It remains to see the extent of the reductions ordered, and the extent of the reductions effected. After the deposites were actually removed, a reduction was ordered, and not before.

The public deposites then amounted to	$9,868,435 58
The reduction ordered in October to	5,825,906 74
Being less than the deposites by	$4,042,528 84

On the 23d January, 1834, in consequence, as is alleged, not of the removal of the deposites, but of other expected acts of hostility on the part of the Executive, a further reduction of $3,320,000 was directed.

This made the whole reduction ordered	$9,145,906 74
The deposites amounted to	9,865,435 58
The whole reduction ordered being less by	$719,528 84

than the actual amount of public deposites.

By the 1st July, 1834, the comparison of the reduction stood as follows:

Total reduction ordered	$9,145,906 74
Total effected under the orders	7,077,902 43
On that day public deposites withdrawn amounted to	7,193,001 97
The amount reduced under the orders being less by	$115,099 54

than the actual withdrawal of the deposites.

There was, however, during that period, a voluntary reduction of	$1,048,203 20
And a voluntary increase at some of the branches of	616,663 95
Making an actual reduction, beyond the orders, of	431,539 25
Adding to which the total effected under orders	7,077,902 43
Shows the reduction, voluntarily and involuntarily, effected	7,509,441 68
Being less than the Government deposites on the 1st October, 1833	2,355,993 90
	$9,865,435 58
The total actual reductions effected .	$7,509,441 68
Being more by	306,439 61
Than the public deposites actually removed, viz:	$7,193,001 97

The committee then proceeded to compare the reductions from 1st October to 1st July, of the discounts on the one hand, and private deposites and circulation on the other.

The reduction was as follows:

Total reduction since October 1st—	
Of public deposites	$7,193,001 97
Private deposites	1,272,993 08
Circulation brought in and paid	2,486,191 67
Total reduction	10,952,186 72
While the actual reduction of discounts was	7,509,441 68
Being less than the amount withdrawn	3,442,745 04

Following the same course of things to the 1st September, the case stands thus:

Total reduction of public deposites		$7,713,222 98	
Private deposites		1,154,680 08	
Circulation		3,867,903 06	
			$12,735,806 12
Reduction of Loans ordered	$9,145,906 74		
Outstanding	2,068,004 31		
Total effected under the orders		7,077,902 43	
Voluntary reductions	$1,187,766 47		
Voluntary additions	745,397 13		
		442,369 34	
			7,520,271 77
Being less, by			$5,215,534 35

than the amount actually withdrawn from the bank.

At the close of these operations the relative state of the bank on the 1st October and 1st July was as follows: On the 1st October the demands were—

For public deposites		$9,868,435 58
For private deposites		8,008,862 72
For circulation		19,128,189 57
		$37,005,487 87
The resources were—		
Specie	$10,663,441 51	
Domestic bills	17,867,927 51	
Foreign bills	2,375,390 23	
Loans	42,226,270 42	
Debts from State banks	2,288,573 19	
		$75,421,602 86
In July, 1834, the demands were—		
Public deposites	$2,675,433 61	
Private deposites	6,735,869 70	
Circulation	16,641,998 00	
		$26,053,301 31
Its resources were—		
Specie	$12,823,997 93	
Domestic bills	16,601,051 00	
Foreign bills	3,827,413 03	
Loans	34,423,921 72	
Due from State banks	408,726 34	
		$68,085,110 02

So that in nine months it has paid off of its responsibilities $10,952,186 56, and by the reduction of $7,509,441 68 out of $76,107,694 44, (the total amount of its investment on the 1st October, 1833,) a reduction of about ten per cent., and by using the portion of its funds hitherto due from the State banks, it has increased its specie - - - - $2,160,556 36
and its purchase of foreign exchange - 185,146 29

These are the results which an analysis of the tables hereto appended fully sustains.—(See also letter from the president of the 30th August, and tables therewith connected.)

The committee have already stated that the Senate was most competent to decide whether it was necessary for the bank to have resorted to measures of curtailment on its loans. The fact that its circulation amounted, on the 1st of October, 1833, to $19,128,189 57, and was protected by $10,663,441 51 of specie; that its demand upon the State banks amounted to $2,288,573 19, which was, in fact, equivalent to specie; that its debt, due on domestic exchange, amounting on that day to $17,867,927 51, was destined to undergo reduction by payments in the two ensuing months, according to the uniform course of trade, and was less, by the sum of $5,279,320 45, than it was in the month of May preceding, thereby placing in the possession of the bank unemployed resources to that extent; but resources, it it is proper to state, which, if things had been left undisturbed, would, to a great extent, have found employment during the ensuing year, and were beneficially for the trade of the country, in the months of February, March, April, May, and June, reinvested in part in the purchase of exchange; such reinvestment as early as the month of March having amounted to $918,770 49. The further fact that the resolution of the 13th August, 1833, directing the purchase of bills, having longer time than four months to run, should be declined, placed it in an attitude of great strength, if not of safety. These facts, under ordinary circumstances, would have gone very far, if not entirely, to relieve it from the necessity of curtailing its ordinary discounts. That the circumstances by which it found itself surrounded were well calculated to force it into measures, out of abundant caution, which it would not otherwise have adopted, is readily conceded.

It is seen that it did not abandon its course of proceeding until the 11th July; and whether there existed a necessity for a perseverance in measures which had been resorted to for its protection, when it had been rendered somewhat obvious that no panic could exist in regard to it of a tendency any way alarming; but on the contrary, manifestations of confidence in its ability and firmness were hourly given, by the great anxiety every where shown to obtain its notes for all the purposes of trade and intercourse; when it voluntarily abandoned its curtailments at some of its offices; and, when, notwithstanding its measures of curtailment, and the comparative diminution of its purchases of domestic exchanges, its notes had returned upon it slowly and reluctantly, the Senate, with a full view of all the facts and circumstances, is well qualified to determine. In connexion with these views, however, it is to be remembered that it could not be known by the directors until the rising of Congress, what would be done or attempted by the constituted authorities of the country, having a tendency to affect the credit of the institution. The committee has performed its duty in presenting both views of the subject—as well that which operates in favor as that which operates against the bank—and in so doing have acquitted themselves impartially of their duty. With such as have believed that it was time, on the 1st October, 1833, for the bank to begin to wind up its affairs, the extent of the curtailment, it would seem, cannot be objected to. Those, on the contrary, who have regarded the institution as entitled to all its banking privileges and advantages for the full term of the charter, may question the necessity which was supposed to exist for any material change in its operations.

In persevering in the policy of redeeming its notes whenever presented, and thereby continuing them as a universal medium of exchange, in opposition to complaints on that head from some of the branches, (see copies of correspondence,) the security of the institution and the good of the country were alike promoted. The accumulation of the notes of any one branch for the purpose of a run upon it by any agent of the Government, when specie might be obtained at the very places of collection, in exchange for the notes of the most distant branches, would have been odious in the eyes of the public, and ascribed to no other feeling than a feeling of vindictiveness.

From an inspection of the statements respecting the bank and its offices, it will appear that, in a comparison of the amount of discounts of the months of March and December, 1832, there was, at the latter period, an increase over the first at the following offices, viz: Portland, Portsmouth, Fayetteville, Charleston, Savannah, Mobile, and Buffalo; that there was a diminution in the amount of ordinary discounts at the following offices, viz: Providence, Philadelphia, Baltimore, New Orleans, Natchez, Nashville, Louisville, St. Louis, Lexington, Pittsburg, and Cincinnati; while at Boston, Hartford, New York, Washington, Richmond, Norfolk, Utica, and Burlington, little or no change occurred.

Instituting a similar comparison at the dates of March and September, 1833, the following results appear: that there was an increase in the amount of discounts at the last period over the first, at Portland, Portsmouth, Philadelphia, Baltimore, Fayetteville, Mobile, Louisville, Lexington, Utica, and Providence; that there was a diminution at Boston, Charleston, Savannah, New Orleans, St. Louis, Pittsburg, and Cincinnati; while at Hartford, New York, Washington, Richmond, Norfolk, Natchez, Nashville, Buffalo, and Burlington, no material change took place.

What has been the management of the bank?

In order to enable the committee or the Senate to form an adequate idea of the general course and management of the bank for any given period, it is necessary to look back to an antecedent period, and to ascertain the character of the measures then adopted—to follow them through their results down to the present day, and thereby manifest the wisdom or folly of the past by the results of the present. With the purpose of the more thoroughly accomplishing this task, the committee caused the annexed statements to be made out, exhibiting the whole operations of the bank, from March, 1818, to October, 1834.

In consequence of the difficulties by which the bank was surrounded, and the errors in its management during the first years of its existence, those who had placed the greatest confidence in its value as a public institution began to fear its incompetency to fulfil any of the great objects for the accomplishment of which it had been brought into existence. It was chartered from the belief that it would be the instrument for correcting the unhappy circumstances attendant upon the then disordered currency of the country, and for furnishing a circulating medium of uniform value. The directors themselves appear to have abandoned all hope upon this point, and their fears were actively excited for the bank itself, in the universal receivability of the notes by the Government in the payment of its dues. This is sufficiently manifested in the memorial presented to Congress on that subject in the year 1820, in which the following language is held: "Under the 14th section of the act incorporating the bank, the bills or notes of the bank, originally made payable or which shall have become payable on demand, are made receivable in all payments to the United States, unless otherwise directed by act of Congress. Under this regulation the power of the bank to make its capital available, either for its own profit or the public good, is greatly abridged. The sphere of its circulation is limited to those places where it is least wanted, and made to exclude those where it would be eminently useful, while the whole currency of vast sections of the country is thereby frequently embarrassed."

The annexed extract from the statement made by a committee of directors, who visited Washington, to the committee of Congress to whom the memorial was referred, will explain the nature of the difficulties from which they expected relief. They urge the importance, in connexion with the currency, of the circulation of the United States Bank notes, but they declare that "it is not in the power of the bank, so long as they are receivable by the Government at all points where they may be tendered, instead of being received only where they are payable, to make them coextensively useful with the Union."

Acting under these views, the bank forbade the offices with whom the exchanges were adverse from issuing their notes; and, although it issued its own notes, as did the offices against which the exchanges did not run, without restriction, yet it will be seen with what rapidity the amount of its notes in circulation diminished. In the short space of five months, from 1st April, 1819, to the 30th August, 1819, they were reduced from $6,045,428, to $3,838,386.

The annexed extracts, from the minutes of the board of the 25th September, 1819, will serve still further to develop the condition in which the bank was placed at that period of its existence. Up to that time it had not dealt to an extent worthy of notice in domestic exchanges; and when Mr. Cheves came into the presidency of the institution, he found it struggling for existence amidst the numberless difficulties by which it was surrounded; and his great concern, doubtless, was to assist in the effort to rescue it from obvious and apparent dangers. The committee will not fatigue the Senate by recapitulating the many embarrassments which he had to encounter. That they were great will be rendered obvious by the fact that from July, 1819, to January, 1821, no dividend was declared by the bank, but that all its nett profits were carried to the contingent fund. So it is, that at the termination of his administration, by referring to the statement of the condition of the bank at that time, viz: on the 1st January, 1823, it will appear that but little was done in the way of domestic exchanges, and the notes of the bank constituted but a small part of the circulation of the country. The impression still seems to have prevailed, that the issue of the notes of the bank was hazardous, and that all loans and purchases of exchange which caused an issue of notes were to be avoided. The specie in the vaults was kept nearly equal, and often quite equal, to the notes in circulation. No branch note was received at any other place than where issued, except for governmental dues under peculiar circumstances.

The loans, on personal security, amounted to - - -	$22,597,034 21
Bank stock, - - -	6,149,031 00
Funded debt - - -	50,033 13
Domestic exchange - -	1,940,333 94
	30,736,432 28
The loan to the Government was	11,018,552 34
	$41,755,084 62

The notes in circulation were - -	$4,361,058 00
Specie - -	4,424,874 48

Of these $41,755,084 62, the division into active and passive was as follows:

The funded debt of the Government	$11,018,552 34
The bank stock and funded debt loan	6,149,031 00
	$17,167,583 34

Of the remaining loans on personal security - - - -	22,597,034 21
And on bills of exchange - -	1,940,333 94
Making	24,537,368 15

There were under protest, or otherwise suspended, of the loans on personal security - - - -	6,447,312 21
Bills of exchange - - -	258,236 92
	6,705,549 13

Leaving for active loans the difference between - - - -	24,537,368 15
And - - - - -	6,705,549 13
	$17,831,819 02

So that, on the 1st January, 1823, the active business of the bank consisted of—

Loans on personal security - -	16,149,722 00
Bills of exchange - - -	1,682,097 02
Making an aggregate of	$17,831,819 02

The specie - - - -	4,424,874 48
Notes in circulation - - -	4,361,058 00

The whole amount of bills of exchange purchased in the year ending 1st January, 1823, was $7,353,190 56.

Since that day the funds of the bank, as will appear by the general statements, have been becoming more and more active. The purchase of foreign and domestic exchange has undergone a rapid augmentation, and a circulation corresponding with the demands of commercial operations safely maintained. From July, 1824, that portion of the funds which was rendered inactive, by being employed in loans on stock, began to be rapidly reduced, which, added to the gradual sale and ultimate redemption of the funded debt, afforded to the bank enlarged means of extending its operations in business transactions. The most fruitful field of profit to the bank, as well as the means whereby its notes would be kept actively in circulation, was discovered to be that presented in the purchase of exchanges. The purchase of domestic bills has, therefore, gone on, gradually augmenting, until they attained their maximum in May, 1833, amounting, in that month, to $23,147,247 96. It is through the instrumentality of the exchanges that the circulation of the bank has been maintained at its late augmented amount. The operation is as follows: at any branch of the bank, New Orleans for example, the notes are issued—

First, to persons who give their notes promising to pay in a given number of days. If, at the end of the period, the identical notes are repaid, the transaction ceases, and the notes are restored to the bank.

Second, to persons who give their bills of exchange, payable in the Northern Atlantic cities. The notes are then paid to the planters and others, go up the river, and, after performing the function of circulation through the Western States, are brought by the tide of business to the Atlantic cities; but before their arrival, the bills of exchange, for which they were issued, have matured, been paid, and the means of redemption are in the hands of the bank.

Third, they are given to persons who, in return, give their bills of exchange, payable in Europe, which bills are then sent to the parent bank, and sold in the Northern Atlantic cities; thus furnishing the funds out of which the notes of the bank, issued for them, are redeemed.

Fourth, they are given to persons who, at the end of the time stipulated for the loan, if they do not pay in the identical notes received from the branch, pay in specie, or in the notes of other banks, which notes the bank renders equivalent to specie.

In the development of its resources, the bank rested on these data: loans payable at short periods; the providing of funds, chiefly through bills of exchange, to meet the issues of its notes where they are most in demand to meet the payment of the revenue, and where they will always be found in large masses; the making the notes of other banks equivalent to specie at the places of their emission, which necessarily imposed a restraint upon their issues, and thereby secured a sound circulating medium to the country. In some instances, it is true, it has departed from this policy, by making loans for too great a length of time, which cannot be done without depriving it of so much of its active capital. But the committee are not prepared to say that this has often been done. The activity and extent of its operations sufficiently prove that the large mass of its means is fully within its control.

For the more clear development of the operations of the bank during the last eleven years, the committee caused to be prepared the following tables:

1st. A table showing the amount of domestic bills purchased in the year 1822, and in the year 1833, at the bank and its several offices, and of foreign exchange purchased; and

2d. A table showing the extent of circulation of January, 1823, and April, 1833, of the bank and offices.

From the first, it appears that domestic bills purchased in 1822 amounted to	$7,353,190 56
Domestic bills purchased in 1833	71,761,370 86
Foreign exchange in 1822	326,199 30
Do do 1833	9,656,066 88
From the second, that the circulation of 1st January, 1823	4,361,058 00
On the 4th April, 1832, the period of its greatest extent	22,458,620 00

The rates at which these extensive operations in the exchanges of the country have been purchased at the bank and offices may be seen in the annexed table, marked F, while that marked G will exhibit the comparative value of bank notes in 1816 and 1829.

Having shown the effect of these measures on the currency and exchanges of the country, it remains to exhibit their effect on the bank itself; the following statement of the condition of the bank on the 1st of January, 1823, and 1st January, 1833, will effect this object, for which purpose the table marked H is appended.

It has previously been stated that, in January, 1823, there were suspended of the business loans $6,705,549 13, and that $17,831,819 02 were active—while of the whole business loans and bills of exchange on the first of January, 1833, amounting to $58,154,560 53, there were suspended—

Of the loans	$3,677,371 81
Of the bills	364,459 20

And leaving the mass of business loans at the two periods as $17,831,819 03 to $54,111,739 52.

The annexed table, marked I, will finally show the effect of these operations on the profits which have accrued to the stockholders, from the discounts and the purchase of exchange.

The summary of all which is, that the bank, in the last eleven years, has overcome all the difficulties which stood in its way; has given to its notes a universal circulation, redeemable wheresoever presented; has increased the circulation from four to twenty millions; has facilitated domestic exchanges by diminishing its rates; and, by increasing the annual amount purchased from seven to seventy millions, has purified the general currency, and has doubled the profits of the bank itself.

These things are now matters of history; they are manifested on the face of the general statement now exhibited to the Senate, and the committee would have been unfaithful to the high trust which the resolution of the Senate devolved upon them, if they had failed to have presented the foregoing analysis. Upon one point it has received the highest approbation, at the hands of the last and present administration—the measures which it has adopted, as the agent employed by the Treasury in paying off the public debt. Mr. Rush, in his Treasury report of the 13th December, 1828, says: "In this manner heavy payments of the debt are, in effect, made gradually, instead of the whole mass being thrown at once upon the money market, which might produce injurious shocks. So prudently in this, and in other respects, does the bank aid the operation of paying off the debt, that the community hardly has a consciousness that it is going on." Mr. Ingham, in like manner, on the 11th of July, 1829, says: "I take the occasion to express the great satisfaction of the Treasury Department at the manner in which the president and directors of the parent bank have discharged their trusts, in all their immediate relations to the Government. So far as their transactions have come under my notice, and especially in the facilities afforded in transferring the funds of the Government, and in the preparation for the heavy payment of the public debt on the 1st instant, which has been effected by means of the prudent arrangement of your board, at a time of severe depression on all the productive employments of the country, without causing any sensible additions to the pressure, or even visible effect upon the ordinary operations of the State banks." And the President himself, in his message to Congress of December, 1829, says: "It was apprehended that the withdrawal of so large a sum from the banks in which it was deposited, at a time of unusual pressure on the money market, might cause much injury to the interests dependent on bank accommodations. But this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States."

It is certainly true that the bank has met with almost unbounded censure from the same high quarters for its effort to postpone the period for the redemption of the 3 per cents. during the year 1832, with the foreign stockholders. Upon that subject the committee have said all that it seems to them necessary to say. The motives which impelled the bank to the adoption of that course have been fully made known to the public in the report made by a committee of the directors, dated December 3, 1833, while, at the same time, the grounds of accusation have been as fully displayed by those who charge it with error.

It has been objected, also, that the expansion of its operations in 1831 was altogether unjustifiable. The committee have no additional facts to add to those already in possession of the public. The accusation and the defence have been placed in the hands of the community, and it would be nothing short of supererogation for the committee to repeat either the one or the other.

Allegations of particular acts of misconduct.

In addition to charges affecting its general management, the bank has been charged with particular acts of mismanagement, in some instances connected with the assumption of power of an unjustifiable character. Into these several acts, so far as the committee have possessed knowledge of their ascription, they have sought to make an examination which would prove satisfactory to the Senate and country. The first which engaged their attention was the conduct of the bank in the establishment of branches.

Branch banks.

The report of the committee of the House of Representatives, appointed during the year 1832, to examine the books of the bank, urged against the bank the establishment of additional branches as a ground of objection, and declared its proceedings, in this respect, to be "deserving the most serious attention as a source of extended influence of the bank." The committee have, therefore, felt it to be their duty to inquire into this subject. Their object has been to ascertain under what circumstances new branches have been established. Whether upon the intrusive and unsolicited movement of the bank, for the chief if not the sole purpose of extending the sphere of its influence, or for the more legitimate purpose of advancing the pecuniary interests of its stockholders, or the fulfilment of its duty to the Government. It is difficult to conceive how it could in any way enlarge the sphere of its influence, by locating a branch where neither the wants of commercial men or of any other class required increased banking facilities. The want of borrowers would seem to be as fatal to the spread of its influence as the want of money to lend.

Within the last sixteen years eight original branches have been established, viz: at Nashville, Natchez, St. Louis, Mobile, Portland, Burlington, Utica, and Buffalo.

For that at Nashville repeated applications had been urged, from a period as far back as July 18, 1817. Upon this subject the committee refers to the annexed documents:

No. 1 is a petition from Felix Grundy and others, for a branch at Nashville, dated July 18, 1817.

No. 2. A letter from William Carroll to the president of the bank, urging a branch at Nashville, October 3, 1817.

No. 3. A renewed petition from the citizens of Nashville, dated December 8, 1817.

No. 4. The proceedings of a town meeting at Nashville, applying for a branch, and appointing a committee to urge it, dated January 31, 1818.

No. 5. A letter from the committee, consisting of Felix Grundy and others, dated January 31, 1818.

No. 6. Letter from Felix Grundy, dated February 14, 1818.

No. 7. Reply of the president of the bank to the committee, dated February 14, 1818, and covering

No. 8. A copy of the proceedings of the board, dated February 14, 1818.

No. 9. A copy of an application by John McNairy, Andrew Jackson, and other eminent citizens, in anticipation of the establishment of a branch at Nashville, recommending a president and cashier for said branch. This letter is not dated.

No. 10. A letter from John Bell, dated February 24, 1818, accompanying the proceedings of a town meeting in Franklin, on the establishment of a branch at Nashville, to John Williams, at Washington, and the other to the president of the bank, dated February 24, 1818.

No. 11. A letter from Felix Grundy and others to the president of the bank, 10th April, 1819.

No. 12. Another from the same to the same, dated May 20, 1819, and

No. 13. Another from Felix Grundy alone, dated 27th May, 1819.

Nos. 14 and 15. Answers from Mr. Cheves, dated 27th May and 16th June, 1819.

No. 16. A letter from Governor Carroll, enclosing the copy of an act of Tennessee, repealing an act passed November 22, 1817, so far as the United States Bank was concerned, dated 1st December, 1826.

No. 17. Another letter from the same, dated 22d January, 1827.

No. 18. A petition from George W. Campbell, and others, citizens of Nashville, urging the establishment of a branch; in a note appended to which, it is said "that there were only six persons who refused to sign it."

Thus it will be seen that the branch at Nashville was not established, notwithstanding the most urgent applications, until after the lapse of many years from the first application for it, nor until the Legislature may be regarded as actually applying for it, by repealing a law imposing a tax on banking capital, so far as the Bank of the United States was concerned; a similar law to which was also passed by Kentucky, which might have expelled the branches located at Lexington and Louisville from that State, but for assurances, from other quarters, similar to those contained in the annexed letter from W. T. Barry.

The branch at Natchez was established at the formal request of the Legislature of Mississippi, transmitted to the president of the bank, dated March 27, 1826.—See document appended.

That at St. Louis was established upon the application of the citizens of that town, aided by a letter from Mr. Rush, in reply to a letter from Mr. Benton, and transmitted by Mr. Benton to the president of the bank, dated March 27, 1826.—See document.

The branch at Mobile was twice urged upon the bank, by Mr. Rush, the then Secretary of the Treasury; 1st. By letter dated 26th January, 1826; 2d. By letter dated May 16, 1826. In the last letter the bank is also urged to establish a branch at Detroit; in lieu of which it established a branch at Buffalo, under the belief that, whilst it would answer the purposes of the Treasury as well as Detroit, it might prove more advantageous for commercial purposes.—See the letters.

The branch at Portland was also called for, in the letters from the Treasury Department, dated 16th May, 1826; so that, of the eight branches which have been established in the last sixteen years, only those at Utica and Burlington were established by the bank, in the absence of either an express call from the Legislatures of the respective States wherein they were established, or at the urgency of the Treasury Department.

If the bank had sought, by multiplying its offices, to exert a controlling influence over public sentiment, it would have been furnished a fair apology, in the numerous applications addressed to it from every quarter, to have multiplied them almost *ad infinitum.* Those applications have been sustained, in many instances, by men of the most exalted reputation. To quote a few instances, out of the many, may suffice to show the course of the bank in this respect. It refused to establish a branch at Lynchburg, Virginia, although applied to by the citizens, who were sustained in their application by the letter from Mr. Jefferson, dated 8th October, 1817.

It refused to establish a branch at Fredericksburg, Virginia, although the application was sustained by a committee composed of three of the most respectable citizens, who were recommended to the notice of the directors by the letter from Judge P. P. Barbour; and although, as if in certain success of the application, Mr. Madison was induced to recommend to the board a gentleman for the presidency, by letter dated 25th February, 1818; and, although James Barbour, Hugh Nelson, P. P. Barbour, and James Pleasants, gentlemen of acknowledged weight and influence, urged the pretensions of another person for the same office.

It declined establishing a branch at Pensacola, although Andrew Jackson, now President of the United States, forwarded the memorial of the citizens, and sustained the application in a letter dated 15th August, 1821.

It refused to establish a branch at Albany, New York, although memorialized so to do by a large number of respectable citizens; and although the memorial was signed by Martin Van Buren, now Vice President of the United States, and was also forwarded under cover of a letter from him, dated 17th July, 1826.

It refused to establish a branch at Detroit, although urged by the Secretary of the Treasury so to do.

It refused to establish a branch in Indiana, although requested by the Legislature; and in Florida, under similar circumstances. The documents and letters exhibiting these facts are hereto appended; and it has refused to establish branches at the following places, although petitioned so to do by numbers of the most respectable citizens:

In Maine, at Bangor, memorial dated January 20, 1831.

In New Hampshire, at Concord.

In Vermont, Burlington, Middlebury, and Brandon.

In Rhode Island, at Bristol.

In Connecticut, at New Haven and Middletown.

In Massachusetts, at New Bedford, November 20, 1830.

In New York, at Oswego, Albany, Schenectady, Auburn, Plattsburg, Troy, and Rochester; which applications were made from 1826 to 1831.

In Delaware, at Wilmington.

In New Jersey, at Paterston and at Newark, in 1831.

In Virginia, at Wheeling, Abingdon, Petersburg, and Danville.

In North Carolina, at Washington, in 1831; Charlotte and Milton, 1832; Raleigh, Newbern, Wilmington, and Tarborough.

In South Carolina, at Cheraw in 1830, Columbia in the same year.

In Georgia, at Augusta, Macon, Clarksville, and Columbus, in 1831.

In Florida, at Pensacola, Tallahassee, and Leaksville, in 1831, 1832.

In Alabama, at Florence, Colossus, Athens, Courtland, Montgomery, and Tuscumbia, in 1830, 1831, and 1832.

In Tennessee, at Clarksville, Knoxville, Jackson, and Memphis, in 1830 and 1831.

In Kentucky, at Frankfort and Hopkinsville, in 1831.

In Ohio, at Zanesville, Dayton, Chillicothe; Circleville, Portland, Cleveland, Columbus, in 1830, 1831.

In Indiana, at Madison, Vincennes, Lafayette, Terre Haute, and Indianapolis, 1829, 1831, 1832.

Thus rejecting sixty-three applications pressed upon it by the memorials and petitions of the most respectable citizens of the several places from whence the applications proceeded.

The French Bill.

The next subject of charge which it devolved on the committee to inquire into was the course adopted by the bank in exacting damages on the French bill. The facts attending this transaction are fully developed in the annexed correspondence between the president and cashier of the bank, and the Secretaries of the Treasury Department. The first letter in the series is a letter dated Ocotber 31, 1832, from Mr. McLane, representing that the first instalment, arising under the convention with France, amounting to $3,916,666 66, together with interest thereon, at four per cent. from the 2d February, 1832, would be payable at Paris on the 2d of February, 1833, expressing the wish of the Department to transfer to the United States the instalment, and proposing to draw a bill on the French Government, payable on the 2d February, and suggesting that a credit for the amount of the bill, in favor of the Treasury, in the Bank of the United States on the 2d day of March, might be allowed the purchaser of the bill, if better terms could thereby be had. He expresses a desire to receive the views of the president of the bank on the whole subject, and, presuming that an arrangement for the transfer might be made at the bank, requested a statement of the terms On the 5th November, the president of the bank answers the letter of the Secretary: He advises, as the simplest form which the transaction could assume, a sale of a bill on Paris, drawn by the Secretary; but states "that it would not be easy to find an individual purchaser for the whole, and if the bills were divided, the knowledge that there was in the market a drawer for so large a sum would tend to depress the rate." He proposes a purchase of the bill for the whole amount at a given rate of exchange. The next letter from Mr. McLane is dated on the 26th January, 1833, in which he informs the president of the readiness of the Department then to draw the bill, and presumes that the bank is still disposed to purchase on the terms previously offered. Mr. Biddle, in his reply, dated 30th January, 1833, for the reasons therein set forth, proposes to take the bill, but at a different rate of exchange, and Mr. McLane, by his letter of the 6th February, accedes to the terms offered by the bank. The bill is, thereupon, transmitted to the bank, accompanied with all the documents necessary to give force and efficacy to the sale, and to the collection Paris. The bill was duly presented to the Minister and Secretary of State for the Department of Finance, at Paris, and, no provision having been made by the French Chambers for its payment, was regularly protested. Notice of the protest was received at the bank on the 26th April, 1833, and a letter bearing date on that day was addressed by Mr. Jaudon, the cashier, to the Secretary of the Treasury, notifying him of the fact, and holding him responsible for principal, interest, cost, damages, and exchange, and, on the 13th May, the original bill was transmitted to the Treasury Department. Mr. McLane's letter of the 6th May recognises the propriety of at once paying the bill, and informs Mr. Biddle that the Treasurer has been requested to instruct the cashier to recharge the same to his account. He says, in conclusion, "The account of the bank for the return of the bill is under consideration; and the result, which is not to be affected, in either way, by this payment, will be communicated in a few days." On the 17th June, Mr. Biddle addressed a letter to Mr. Duane, calling his attention to the subject; who, on the 21st of June, answered and enclosed a letter from Mr. Taney, then Attorney General, in which he says, "The account stated by the bank, if supported by proper vouchers, appears to be correct, with the exception of the claim of 15 per cent. damages on the amount of the bill. This item, in my opinion, has no foundation in law or equity, and ought not to be paid by the Government. The bank is entitled to indemnity, and nothing more. I will take another occasion to state to you the reasons on which my opinion is founded." On the 24th of June Mr. Biddle says, in a letter to the Secretary, "The transmission to the Treasury Department of the account in question was, as I think you will readily perceive, an indispensable act on the part of the bank, not merely as the assertion of a clear right, but as a necessary preliminary, to enable the Government of the United States, were it so disposed, to recover the amount from the French Government." He asks to be informed of the grounds of the Attorney General's opinion, "in order that the bank may review the grounds of its judgment, as it would be extremely reluctant to urge any claim not manifestly proper. Mr. Duane replies, in his letter of the 27th June, that the reasons of the Attorney General were not on file in the Treasury Department, but that he will address Mr. Taney on the subject, and will forward his reasons when received. The correspondence between Mr. Duane and Mr. Taney ultimates in the following declaration by Mr. Taney, in his letter of the 16th August, 1833: "I cannot imagine that it is the duty of the counsel for the United States to argue this question for the satisfaction of the president and directors of the bank, whenever they may think proper to call on him to do so." And a letter from Mr. Biddle to Mr. Duane, dated August 24, 1833, in which he says, "I regret to perceive that the Attorney General declines communicating to you the reasons of his opinion, as I was anxious, before adopting any final course upon the subject, the board of directors should have had an opportunity of understanding the views of that officer, to which they would have given the most respectful consideration." This terminates the correspondence upon this subject for the year 1833.

On the 8th of July, 1834, the president of the bank writes to the Secretary of the Treasury, acknowledging the receipt of a letter from the Secretary, of the 3d of July, in which the bank was requested to place to the credit of the Treasury the dividends accruing to the Government on the stock held by it in the bank, and informs the Secretary that his letter of the 3d, along with his letter of the 2d, containing the final refusal of the Treasury to allow the claim of the bank for damages on the French Government had been submitted to the directors, and that the decision of the directors had been that there should be deducted from the dividend, payable the 17th July, the amount due the bank for damages, costs, and interest, upon the bill of exchange drawn by the Secretary of the Treasury on the French Government; and, in conclusion, says, "I am further instructed to say that this course is adopted by the board of directors, not merely from a consideration of the obvious justice and propriety of it, but because it furnishes the best, if not the only, mode of obtaining a judicial decision of the case by the proper tribunals.

"To procure that decision the board will give every facility in their power; and if there is any other mode of submitting the rights of the respective parties to the judicial tribunals more acceptable to you, any suggestion by you, for that purpose, will not fail to receive the prompt and respectful consideration of the board of directors."

The letter from Mr. Woodbury, of the 14th July, in which he declines making any proposition to the bank, and complains of the proceedings as extraordinary, and urges reasons in order to show that the course of the bank was wholly unjustifiable, with the letter of the 28th of November, from the president of the bank, and Mr. Woodbury's reply of the 11th day of December, 1834, completes the correspondence upon this subject.

Up to this day, the simple state of the case is as follows: The Government has a bill of exchange on Paris for sale. In consequence of the magnitude of the sum, it would, in order to meet with a purchaser in the person of a private individual, have had to be divided into several sums: this would have been attended with delay, which the Government sought to avoid, and probably with loss, by effecting a reduction in the rate of exchange. The offer of the bill, under these circumstances, is made to the bank, and the bill is purchased by the bank; it is duly presented, and protested for non-payment, and the purchaser demands the usual damages arising under the protest. The Attorney General expresses the opinion that the purchaser has no title to damages, and says he will give his reasons at another time. He is asked the reasons for his opinion at another time, by the party most interested in knowing them, and he declines giving them. The bank urges the claim upon the Treasury, which is ultimately decided against it; and having no recourse against the Government by suit, retains an amount arising out of the dividends of the Government (one of its stockholders) equal to the damages. The president of the bank addresses a letter to the Secretary of the Treasury, advising him of this, and stating the object to be to carry the question before the courts, and expressing his readiness to adopt any other course of proceeding upon the subject which would be more agreeable to the Government, which is altogether declined by the Government. These are the facts of this case. If they appertained to a similar transaction between the Government and a private citizen, law and equity would alike require the payment of the damages, and justice would award it. Is there any thing to differ the case because a number of individuals, incorporated by the style and title of the Bank of the United States, have become the purchasers in lieu of a single person?

The Government has often purchased bills of exchange on foreign countries, and the committee is ignorant of a single case of a protest in which it has ever remitted the damages. Some of the transactions of the Government, in this particular, are to be found in the annexed memorial of Stephen Girard, and a long list of others, in which the damages have been exacted. What if the bank had been the seller and the Government had been the purchaser of the very bill now the subject of controversy, can it be supposed that the Attorney General, with the precedents above cited before him, would have given the opinion, with or without assigning reasons, that the bank was not bound for the damages "either in law or equity?" Or shall it be asserted that law or equity upholds a Government in exacting of private individvals a measure of redress which, when it becomes the debtor, it will not extend to them? Is there any thing in the relation existing between the bank and the Government which differs the case in principle from the ordinary case between the Government and an individual? The bank was the depository of the public moneys. True; but if an individual depositor had sold the bill, would the amount of his deposite, then actually in bank, have exonerated him from damages? Or, suppose that any other large stockholder than the Government had sold the bill, would the case have been at all varied? For the public deposites the bank gave, as an equivalent, its services in the transmission, to various points, of the moneys of the Government, and moreover paid down, in the form of a bonus, $1,500,000 for that and other privileges. Is it any where stipulated that it shall, where the Government is concerned, waive, in its favor, the universal law appertaining to bills of exchange, and the provisions of the municipal law?

But another ground is taken, viz: that the money which the bank was to pay was never used by the Government. If this was so, it would not alter the case. The money was always liable to the order of the Government, having been passed to its credit on the books of the bank on the 11th February, 1833. Congress had also passed a law directing it to be loaned out to individuals; and in pursuance of the requisitions of that law, the Secretary of the Treasury, on the 6th of March, 1833, issued a notice that it would be loaned out on the 20th of that month, thus as effectually withdrawing it from the uses or control of the bank as if he had checked for the whole amount. Nor is this all. A portion of it seems actually to have been used by the Government for its ordinary expenses. On the 18th February there was to the credit of the Treasury $1,735,460 40, of which $908,565 89 were the proceeds of the French bill; and as in the month of April there were only $746,613 61, the difference between these sums, that is to say, $156,952 28, had been drawn for out of the proceeds of the bill, and the Treasurer, when the money was repaid, had to draw on funds elsewhere in order to make out the amount. The right, therefore, which accrued to the stockholders, appears to the committee to be founded in strict law; and if the directors had waived it they would have exerted an authority for which they could not have found a suitable apology to the stockholders. What the stockholders might do on the score of liberality to the Government is another question, in the decision of which, by the stockholders, they would undoubtedly have taken into consideration the course of the Government to the institution.

As to the subsequent retention of the dividends by the bank, the doctrine of retainer, well understood by the courts, applies as well to a corporation as to an individual; and when that retainer is avowedly made in order to procure a submission to the courts and juries of the country, and would have been waived, as is plainly intimated in Mr. Biddle's letter to Mr. Woodbury, if the submission could in any other way be secured, your committee are unable to see why there should be either clamor or objection raised to the course pursued by the directors. It has often been suggested as a course worthy to be adopted in all cases when the claim of a citizen was rejected by the Government, and the citizen felt himself aggrieved, to render the Government suable. In some of the States an appeal is granted from the decisions of the accounting officers immediately to the courts; and although the United States cannot be sued, yet the idea of depriving the citizen of a legal trial, when matters were so circumstanced as to enable him to obtain such trial, it is believed was never thought of. Controversies in the courts between the Government and the citizen are things of frequent occurrence. Persons employed in collecting, receiving, or disbursing, public moneys, in all the numerous agencies of the country, if they believe the Government to be their debtor, seek indemnity by retaining moneys to an amount sufficient to satisfy their claims; and if the Government thinks itself wronged by such proceeding, the law prescribes the manner in which it shall seek redress. If it resorts to the harsh remedy provided by the act of 1820, that very law protects the rights of the citizen by giving him the privilege of appealing to the Judiciary; and if the Government declines resorting to the somewhat arbitrary proceeding authorized by the same act, the courts are open to it, and an honest and impartial jury of the country, if it be in the right, settles the controversy in its favor. What is there so very wrong in all this? Or how long has the wish on the part of the citizen to submit his rights to the arbitrament of the courts become a subject of governmental denunciation? The Government of a free people can never lose their affections until it shall have forfeited their confidence. The most ready way to bring about that result is for the administrative department to hold its decisions as unquestionable revelations of truth, to doubt or to appeal from which is to call down upon the head of the offender the extremity of its vengeance. The committee, on the contrary, regards the Judiciary, removed, as by the theory of the constitution it is presumed to be, beyond the influence of party excitement, as peculiarly suited to settle controversies of the character of the present. The law there will have its free course, unwarped by party feeling, and uninfluenced by any other consideration than what justice shall demand.

Mr. Elmaker.

In a subsequent part of this report it will be seen that the attention of the committee was called to the case of Mr. Elmaker, who had been appointed a Government director, but who was excluded from his seat upon the ground, that at the time of his appointment he was not a stockholder in the Bank of the United States. The following facts exist in the case: On the 30th June, 1834, Mr. Elmaker was, upon the nomination of the President of the United States, and by and with the advice and consent of the Senate, appointed a director on the part of the Government. On the 8th July, the directors were informed of his appointment by letter from Mr. Forsyth, dated the 5th of July. On the 11th July, Mr. Elmaker presented himself at the board in order to take his seat, whereupon a resolution was submitted, by one of the directors, declaring that Mr. Elmaker was not entitled to his seat, not being a stockholder at the time of his appointment; which resolution was adopted—yeas 11, nays 1.

On the 15th July, after having been furnished with an official copy of the resolution, he presented himself again at the board, and insisted on his right to his seat, offering his commission and a letter addressed to the president and directors in support of his title. Whereupon, the whole matter, along with the commission and letter, was referred to the committee on the state of the bank, who reported on the 22d, accompanying their report with the written opinion of Mr. Ingersoll upon the questions at issue. On that day, Mr. Elmaker was invited to attend the board, and upon his requesting time to enable him to read Mr. Ingersoll's opinion, the board adjourned until six o'clock that evening, when they finally disposed of the case by adhering to their resolution of the 11th July, declaring that Mr. Elmaker was not entitled to take his seat at the board—yeas 8, nays 2.

The annexed documents so fully unfold the whole merits of this controversy, that the committee do not esteem it necessary to do more than refer to them. They consist of Mr. Elmaker's letters of the 15th July, setting forth the grounds of his claim, the report of the committee on the state of the bank, and Mr. Ingersoll's opinion.

Before the committee leave this portion of their inquiries, they feel it proper to remark that Messrs. Macalester and Ingraham are the only directors on the part of the Government now in office. Mr. Elmaker's case is already represented. Mr. Bayard, who was nominated and confirmed by the Senate at its last session, declined to act; and Mr. White was appointed in his place, who also declined; whereupon Mr. Howard was appointed, who also declined the appointment. Mr. Saul Alley, who was appointed at the same time with Mr. White, declined; and Mr. Tibbetts, who is understood not to have been a stockholder, was appointed, but could not serve for the reason stated, and no others have been appointed by the President during the recess to fill those vacancies.

Intermeddling with Politics.

The committee pressed their inquiries in every direction in order to discover all and every interference on the part of the bank, if of any it had been guilty, with the political parties of the country. For a great moneyed corporation, created to subserve the purposes of the country, to lend itself to party, and to enter, through its moneyed power, in any way into the political struggles of the day, would be to render it truly and deservedly odious. It would be to bring an agent, heretofore, it is believed, unknown in our elections, to bear upon them. Official power and official influence, no matter from what quarter exerted, whether on the part of those who enjoy the money and emoluments arising from the offices of the Federal Government or of the bank, are every way and equally objectionable, and should both meet with the severest rebuke. In either case, such interference is at war with that pure, unbiased, and unbought suffrage upon which our political institutions mainly rest for their perpetuation. The way in which such power and influence would be most likely to display itself, on the part of the bank, would be—

1st. In the appointment of directors for the several branches, with reference chiefly to their political sentiments.

2d. In an injurious discrimination between persons; granting accommodations to some and refusing them to others, because of the existence of particular political preferences or opinions.

3d. In the granting of large and unusual loans, on insufficient or doubtful security, to persons supposed to have political influence, and extending indulgences to such not extended to others.

4th. In efforts of direct bribery by the donation of its money.

5th. In rendering the press its stipendiary, by bestowing gratuities on editors, or making to them extravagant loans.

6th. In large and unusual loans and accommodations to members of Congress and other public functionaries on insufficient security.

7th. In paying for publications not necessary for a true exposition of its condition, or to defend itself against unjust and injurious charges.

1*st. The appointment of Directors.*

On this point the committee has no reason to believe that any other motives have operated with the bank than those having reference mainly to the interests of the institution. The object seems to have been to place at the board of directors men of character and standing, acquainted with the circumstances of the citizens composing the community in the midst of which the office was situated, and of business habits. In some instances, doubtlessly, the board at Philadelphia have been deceived in the fitness of an individual for a branch director. That he should be expected to possess friendly feelings to the bank, and that, in any controversy in which it should be engaged, either with an individual or the Government, the leaning of the director would be in favor of the institution whose interests he would have given a virtual pledge to support by taking upon himself the office of one of its governors, would be most reasonably to be expected. It would be strange if this was not so; for to commit its management to the hands of those who were opposed to it, and sought its destruction, would be an act of madness and of folly for which it could have neither excuse nor apology. No man of lofty or correct feelings would assume a guardianship, when he found in his breast, upon self-examination, none other than a feeling of hostility to the object placed under his control, and a desire to destroy, in place of a wish to sustain and uphold.

The only instances in which the directors, through the president of the bank, which have come to the knowledge of the committee, have been called upon to express their views on the course which it became the bank and its officers to pursue in reference to general politics, are to be found in the correspondence marked L. The first paper in the series is a letter from the president of the bank to Mr. Swann, dated 17th March, 1824. The board had been desirous of placing at the head of the branch at Washington a gentleman who would give more of his time to its affairs than the professional engagements of Mr. Swann allowed; and in the course of the correspondence, Mr. Swann intimated that the President of the United States and Secretary of the Treasury spoke in approbation of his appointment. This occasioned the remarks in the extract marked No. 1.

No. 2 is a letter from the president of the bank to Mr. Harper, cashier of the branch at Lexington, Kentucky, making known certain charges against that branch of having been partial in its loans to one of the political parties of the day, and forwarding a list of persons nominated as directors by certain members of Congress from Kentucky, dated Janury 9, 1829.

No. 3 is a letter from the president, of the same import, to Mr. Shippen, cashier of the branch at Louisville.

No. 4. The reply of Mr. Shippen, with observations on each person whose name was contained in the list.

Nos. 5 and 6 conclude the correspondence with Mr. Shippen.

No. 7 is a letter from Mr. Tilford, the president of the branch at Lexington, dated January 30, 1829.

In the same year Mr. Cambreleng was employed by the bank to select a proper position for a branch of the bank in the western part of New York. His instructions, in regard to the selection of suitable directors, will be found in an extract of a letter from the president to him, dated May 14, 1829.

About this time arose the controversy relative to the removal of Mr. Mason from the presidency of the branch in New Hampshire, all of which is already in print. The committee has, therefore, contented itself with extracts from the correspondence, marked 9.

The two letters to Mr. Johnson, of the Charleston branch, the first dated 27th September, 1830, and the last 25th December, 1832, conclude all the correspondence upon this point, which has fallen under the observation of the committee.

2. *An injurious discrimination between applicants, in granting loans, because of political differences.*

The committee has carefully examined the discount books of the bank, and the several branches which it visited, for the purpose of ascertaining the course pursued towards those who are known to be hostile to the bank. The result of that examination is, that many who are known to be hostile to it, publicly and privately, who have co-operated in measures to destroy it; who, in short, are its most uncompromising opponents, are among those who, at some period or other, have received accommodations at the bank, or some one of its branches. This remark embraces men in public and in private life; in the executive as well as legislative departments; in high as well as in subordinate offices. The committee do not feel that it is proper to go into particulars, and give names. In some instances, to do so might only have the effect to injure individuals without doing the public any service; but justice to the object of their appointment by the Senate, requires a declaration thus emphatic of the general results of their inquiry.

The committee ascribes censure to no man because he may, at some time in his life, have borrowed money of the United States Bank. It is a money-lending corporation; created for money lending. The prime object of the stockholders is to make money by lending money, or, to speak more properly, by an exchange of credits. The borrower, then, whose loan is made on ample and sufficient security, and who is punctual in his dealings with the bank, confers upon the stockholders an advantage probably as great as they confer upon him. The committee sees, therefore, no reason for making injurious ascriptions to an individual who stands, or may have stood, in the relation of borrower; nor do they see why the bank should be censured for loaning to all, indiscriminately, who offer unquestionable security. The propriety of making an application is a question to be settled by the applicant, not the bank; it is for him to decide upon the degree of delicacy which may, or may not, be involved in the application. For the bank to undertake to decide this for him would be, justly and properly, to expose it to his undying enmity. Its sole object should be to make profit for its stockholders, by discounting, when it has money to loan, all good paper, without an inquiry into the political complexion of the borrower; and, so far as the information of the committee extends, this has been done from its creation to the present day.

In order to guard against misapprehensions or mistake on this subject, it is all necessary to remember that every man is not a borrower of a bank whose name may be on paper which it discounts. A bill of exchange, or promissory note, is given in the purchase of goods, or in other transactions; the holder may either keep the paper till its day of payment, or he may, at any time before such day of payment, procure its discount at a bank. Such discounts constitute a large portion of all true banking operations; and, in such cases, there is no ground to say that the drawer of the note or bill is a borrower at the bank, or has received any accommodation at its hands.

3. *Unusual loans on insufficient security, or unusual indulgences to persons supposed to possess enlarged political influence.*

The committee has discovered nothing in the proceedings of the bank to induce a belief that it has adopted any policy of this kind. Each borrower is held to comply with the rules of the bank. When those rules are violated, the violation is followed by a protest, or such other proceedings as are usually adopted in other cases. In some instances, where the borrower has failed to renew his note at the proper time, either from inadvertence or from circumstances beyond his control, or has neglected to pay the discount upon each renewal, or has changed his endorser, by substituting one name for another equally good, or has drawn a draft on one who declines accepting it, and offers another already accepted by a person or persons entirely responsible, the bank may have failed to have the note protested. In such cases, to protest would be, at the best, but a useless proceeding, injurious to the individual, and without benefit to the bank. It seeks to secure its debt, and if that be done satisfactorily, all is accomplished which it could desire.

The committee are not aware of a loan to any one possessed of an enlarged political influence, of an unual amount, or, in fact, of any amount, resting on insufficient security, unless indeed cases falling under a subsequent head of inquiry shall be supposed to form an exception to this general remark.

4. *Efforts of direct bribery, by donations of its money.*

No case of this sort is known to the committee; no such case appears (of course none such would appear) on the books of the bank; and, to ascertain whether there might be some mode, unknown to the committee, by which the funds could be withdrawn, without the fact appearing on the books, they addressed inquiries upon that subject to the president and cashier, which, together with the answers, are hereto subjoined, marked M, by which it appears that every dollar drawn from the bank, is regularly entered on the books under its appropriate head.

The committee also called before them the two Government directors, Mr. Macalester and Mr. Ingraham, and propounded to them, among other things, the following questions:

1. Could any money go out of the bank without the same appearing on the books?

Answer. We do not think that it could.

2. If such be the fact, we can conceive of no case in which money could be applied to electioneering or other improper purposes, unless by allowing discounts, and the application of the money to purposes different from those indicated on the face of the transaction. Do you know, or have you any suspicion, of such a case?—or do you know of any loss accruing from the action of power too much concentrated?

Answer. We do not know of any such case, nor do we know of any loss to the bank by action of power too much concentrated; yet it might happen when too late to be checked. (The case of J. Harding was mentioned, which will be adverted to under another head.)

The committee then stated to those two gentlemen, that, as their object was to do entire justice to the country and the bank, we desired to be informed of all just grounds of accusation against the institution, and would be obliged to them for any suggestion which would direct our inquiries; and that any such suggestions would be received, if they desired it, under the seal of our personal honor.

Answer of Mr. Ingraham. I have considered the bank question as settled. Since I have been at the board, I have only attended to the current business. I have, therefore, no information that I can suggest, except, perhaps, the case of Mr. Elmaker, as Government director. (To that case the committee has previously alluded.)

5. *In rendering the press its stipendiary, by bestowing gratuitous rewards on editors, or making to them extravagant loans.*

The committee know of no case of a gratuity to any one. In every instance of money paid to an editor, it appeared to be for services performed. Whether more than a fair measure of compensation was paid, the Senate will be most competent to decide, upon a view of statements which will be found under another head of inquiry.

The committee, as far as they could do so, looked into the books of the bank and branches, for the purpose of extracting statements of accounts of all persons known to them as connected with the newspaper press. In two instances, the accounts due from editors have been carried to the suspended debts. The first is that of Jasper Harding, made up of various drafts, amounting in the aggregate to $23,490 40, which is hereto appended. From which it appears that he is responsible, as endorser, $16,061 07, and as drawer, $7,429 33. The account begins on the 18th July, 1832, and ends on the 4th June, 1833.

The other is the account of J. W. Webb and M. M. Noah.

On the 9th August, 1831, they obtained a discount on their paper of - - -	$20,000
On the 16th of December, of the same year	15,000
On the 2d of January, 1832, they obtained discounts on ten notes of - - -	17,975
On the 10th of February, 1832, another discount of - - - -	18,600
Making an aggregate of discounts of -	$71,571

On the 14th of August, 1832, they were indebted on the books of the bank for the last note discounted, viz: $18,600. The other notes, amounting to $52,975, having been discharged. This note of $18,600 was protested on the 17th February, 1833, and has been placed on the list of suspended debts. Mr. Webb addressed a letter to the president of the bank on the 23d February, enclosing him a copy of a deed of assignment made by him, to secure other debts, and this debt of $18,600.

Of the account of Gales & Seaton the committee have felt it to be proper to present the following statement:

In March, 1833, their debt due the bank at Philadelphia, and the office at Washington, amounted to - - - - -		$80,338
On the 26th September, 1834, they owed the bank at Philadelphia	$35,850	
And on the 6th November, the office at Washington - -	20,869	
		$56,719
Showing their actual payments, at both places, up to the 6th November - -		$23,619
And leaving a balance still due from them of		56,719

The annexed letters from them to the president of the bank at Philadelphia, dated 29th March, 1833, and the extract from the letter of the cashier of the Washington office, dated 7th of November, 1834, to John Tyler, on behalf of the Committee of Finance, will furnish in detail all the facts connected with these loans, and relieve the committee from the necessity of further comment or remark.

Loans made to editors have existed from the origin of the bank; and where such notes are neither exorbitant in amount, nor made upon insufficient security, to urge objections to them would be both weak and puerile. If the loan made is reasonable in amount, is placed upon the footing of all other loans, without the practice or show of favoritism, it would require deeper casuistry than the committee lay any claim to in order to discover any sound or good objection to it. Loans of an opposite character demand, and will doubtless receive, unqualified condemnation. In a Government resting on public sentiment, the channels which convey intelligence to the people should be considered as unapproachable by the moneyed power, exerted either by the bank or the Government. The Senate will pass its own judgment in relation to those which are above detailed, upon a review of all the facts. Those which follow are submitted only in their respective amounts.

At the bank of Philadelphia, one editor stands charged as payer - - -		$5,401
As discounter - - - - -		2,525
Total responsibility, -		$7,926
From another there is due on three several discounts - - - - -		$5,700
From another as payer - -	$1,115	
As discounter - - -	2,712	
		$3,827
At Richmond, Va., on the 25th September last, one editor was responsible as payer - - -	$2,600	
As discounter - - -	4,000	
		$6,600

At Norfolk, one editor is responsible on a note discounted for the benefit of the endorser, who executed a deed in trust to secure the drawer $1,200, the sum due on 26th November, 1834. This seems to have been a loan negotiated upon the responsibility of the editor, out of friendship for the endorser, and is entirely secure.

From another editor there was due, on the same day, on three notes, which are fully secured $1,620

At Baltimore, a loan was contracted by an editor in 1829 for $17,000; that is the only case of a loan to the editorial corps at that place, and is now reduced to $6,250, subject to the reduction of $250 at each renewal.

At New York, loans on various drafts and notes have been made, from time to time, to one editorial concern, amounting in the aggregate to about $9,000.

At Providence, there was no loan to any editor of a newspaper on the 5th day of September, 1834.

At Boston, there was due from one editorial concern, in three notes, $1,300.

From another, $1,000.

From a third, $500.

At Washington there is due from one editor, $3,996 84

These were all the points visited by the committee, or any member of it.

Some of these loans were granted at a period too remote from the present times to be subject to any suspicion of impropriety, while others have been obtained by editors known to be hostile to the bank itself.

6. *Loans to members of Congress and functionaries of the Government.*

The same remark which was made in regard to editors is applicable also to members of Congress and other public functionaries; loans have been obtained by them of the bank at every period of its existence. This remark applies as well to those who now hold executive offices, as to those who now are or have been members of Congress, and this without regard to the political predilections of the borrowers. The committee have been able to trace but the sum of 400 dollars, at the bank of Philadelphia, to the list of suspended debts; arising from a transaction in which any one, now a member of Congress, has participated; and there is no reason to believe that the non-payment of that sum has proceeded from a want of ability on the part of the discounter to pay, but rather from a desire, as is presumed, on his part, to make the drawer pay the debt. One other draft of 500 dollars, drawn by one member and endorsed by another, has recently been protested for non-acceptance, but the debt is unquestionably good, and no difficulty will ultimately exist in the way of its payment. The bank has, therefore, encountered no loss of any amount, so far as the committee is informed, in consequence of loans made to members of Congress. At some of the branches, some few notes of those who have been members have been protested and put in suit. As far as the committee had the means of judging, the loans, both at the bank and its branches, now existing, to members of Congress, and such as have been members for the last three years, rest upon as good security, in general, as other loans under ordinary circumstances, when no question is pending affecting the bank, or where the member obtaining the loan maintains steadily and firmly the opinions he has theretofore been known to advocate, the most scrupulous can have nothing to object. If the mere loan of a sum of money on unexceptionable security, on which, during its continuance, the interest is regularly paid, with the full knowledge that the principal is also to be exacted in due course of time, can be regarded as likely so to operate as to induce a member to forget the obligations he is under to himself, his country, and his God, yet if no change has occurred in his conduct and opinions, which cannot be traced to pure motives, surely one thus circumstanced ought to be regarded as inaccessible to suspicion or censure. If the bank made loans to members of Congress or other public functionaries, upon security which must have been known to be insufficient, if it relaxes its rules in their behalf without justifiable motive, if it dealt out one measure to them and another to others, or if it made to them voluntary donations of its funds, then would it be amenable to the severest censure. The committee have no knowledge of any such proceedings. It will go even further than this, and express the opinion, that if it had greatly multiplied its loans to persons of the description already mentioned, pending political agitations, which involved in their results the existence of the bank itself, it would thereby have exposed itself, in a great degree, to injurious suspicions. For the purpose of ascertaining what was the fact in this last particular, the committee caused a comparative statement from the year 1826, (a period at which the bank could have had no suspicions of being placed in its present attitude to the administration,) to the present time, which statement embraces the amount of all loans made to members of Congress at the bank and all the offices, from which the following results are extracted: In the year 1826 the loans to members of Congress, at the bank and all the branches then in existence, amounted to $237,437; and, in the present year, with the addition since 1826 of several new branches, and an increase in the number of members of Congress, at one of which large accommodations have been granted to members, to $258,227; that the amount of loans during the present year is less by $111,539, deducting from the loans of 1833 a large loan on stock and Post Office acceptances, than in 1833; by $69,862, than in 1832; and by $63,971, than in the year 1831; and that something approaching an equality in amount prevails for the remaining period. The further fact is exhibited, that the loans at the parent bank, amounting in the present year to $57,264, is less by $58,741 than in the year 1833; by $155,148, than in the year 1832; and by upwards of $13,000 in 1831; and that there has been a similar declension in comparison with the loans of each of the offices, with the exception of one, at which the amount is not extravagantly large; while at many others no loan of any amount exists in 1834. It is proper to remark that the amount at Philadelphia and Washington, in the year 1832, over succeeding and preceding years, arises from the fact, that in that year a loan on stock, amounting to $100,000, was granted to one member, now dead, at Philadelphia; and that at Washington, discounts to the amount of $50,000 on Post Office acceptances, &c., were granted to another.

The statement referred to has been carefully compared with the original returns from the various offices, and found to be correct. In further prosecution of this subject, the committee made out the annexed table, exhibiting the number of members of past and present Congresses who have received accommodations from January, 1826, to October, 1834, at the bank and all the offices, from which it will be seen that, from the year 1829, exclusive, to the present day, there has been a marked uniformity in the numbers; the highest number being 59, and the lowest (the year 1832) being 44. In reference to the exhibits of the antecedent period, varying somewhat from that above noted, regard should in justice be had to the circumstance of the establishment of new branches, either about that time or a year or two before. The statements embrace all who have been in Congress since the 1st of January, 1826; notes negotiated on personal security, after the manner of ordinary discounts; notes payable by others and due to a member, and discounted in anticipation of the day of payment; and domestic bills, drawn payable, in some instances at sight, in others for shorter or longer periods, upon funds elsewhere than at the bank where purchased, and constituting a sale according to the ordinary operations of the bank, alike form the basis of the accommodations. As before remarked, members of Congress who have or now do represent commercial cities, are either themselves engaged in extensive mercantile operations, or are connected with others, who, with them, constitute large mercantile agencies; their accommodations are, therefore, usually considerable, and serve greatly to augment the amount done at the branches.

The committee see no reason to suppose that the amount of loans by the bank to members of Congress exceeds the amounts of loans to any other persons of the country of equal numbers, and the same degree of connexion with business; and this the committee thinks will be apparent to any one who shall compare the number of persons who have been members of Congress since 1826, with the total amount of loans. They perceive not the slightest evidence that members of Congress have expected or sought favors of the bank on account of their public character. And the committee think this unqualified and decisive expression of their opinion to be due to the character of the public men of the country, and, indeed, to the character and honor of the country itself.

The committee have not felt it to be either proper or called for to report the names of those who have obtained accommodations at the bank or any of its branches. They have seen nothing in any one of the loans to any person, now a member, or who has heretofore been a member, to call for publicity. Some loans have been altogether inconsiderable in amount, while others have been of greater magnitude, but nothing has been ascertained by the committee to induce the belief that either unfairness, fraud, or bad motive, attaches to any one of them. Considerations such as those would require an exposure of all concerned. In any other view of the subject, the committee would regard themselves as amenable to the reproach of volunteering information, not necessary to understand the course of the bank, but exclusively affecting individuals. They have been required to examine the bank, to report upon its operations, to make such an exhibit as will enable the Senate to understand whether it has resorted to unworthy and improper means in order to obtain a recharter. The proofs upon these points the committee have earnestly sought to make full and complete. They have not been invested with authority to arraign individuals, to expose their dealings to the public, in order to gratify personal or party feeling. They will say, however, for truth requires it, that accommodations have not been confined to members of this or that party. Men of all parties have obtained them; and individual loans, equally large in amount, are found on both sides of the political parties of the day.

7. *In paying for publications not necessary for a true exposition of its condition, or to defend itself against unjust or injurious accusations.*

The committee believe that, with the limitation prescribed under this head of inquiry, no one can reasonably complain. Duty to itself and the country alike requires that it should, when necessary, furnish to the public such expositions as are proper to explain its true condition. The people of the United States have a large interest in its stock, to the amount of 7,000,000 dollars. Each citizen has an interest in knowing its true condition, since its notes constitute a part of the circulation of the country, and form the medium of exchange in all the operations of society. In this view it becomes also its duty to defend itself against unjust assaults; for the great natural and inherent right of self-defence appertains as well to a corporate as to a separate individual existence. If the reverse was true, the public might be continually made the victim of the grossest deceptions, and the corporation might be prostrated, innocently and causelessly. No matter what the charge—however gross in its character or obnoxious its consequences, it would be compelled to submit to it in silence. There is not in the nature of our laws, there is not in the justice of the people, there is not in the character of our institutions, any thing so oppressive, so perverted, or so tyrannical. The rule laid down by the committee is, therefore, proper; it is recognised by the president of the bank as correct, in the subjoined letter to the Lexington branch. The committee would confine the bank within its limits. The moment it steps beyond them, its conduct is without excuse. It then takes the field as an open and avowed advocate in elections; its purpose then is not to defend, but to attack; it becomes a partisan in politics, and an active agent in elections. Whether it has been guilty of stepping beyond the limits of the rule above laid down, the subjoined statement of its expenditures will determine. The committee looked into each voucher, and have transcribed, if not its very words, their true purport and bearing, thus rendering the exposition as full and complete as if the words of the vouchers had in every instance been copied. Although the committee looked into the expense account of a period anterior to the year 1829, they saw nothing to attract attention, and concluded to commence with that year, as furnishing a full exhibit of the expenditures of the bank, of any interest to be known.

The following comparative statement will exhibit the amount of expenditure made half yearly, from 1st January, 1829, to 1st July, 1834, for printing not connected with the daily operations of the bank. The statement already referred to will set forth the items in detail.

1829.	For the first half of this year, commencing 1st January and ending 30th June - - -	52 25
	For the half year ending Dec. 31st	53 00
	Total for 1829	$105 25
1830.	For the first half year, ending the 30th June - - -	$3,285 17
	For the last, ending 31st December - - - -	2,591 50
		$5,876 67
1831.	For the first half year, ending the 30th June, after deducting the president's orders - -	$10,401 74
	For the last half year, ending 31st December, after similar deduction - - - -	711 50½
		$11,113 24½
1832.	For the first half year, ending the 30th June, after deducting the president's orders - -	$1,990 85
	For the second, ending 31st December - - -	16,499 94
		$18,490 79
1833.	For the first half year, ending the 30th June, after deducting the president's orders - -	$1,405 00
	For the second, ending 31st December - - -	1,888 03
		$3,293 03
1834.	For the first half year, ending the 30th June, after deducting the president's orders - -	$24,358 43
	For the three months ending 30th September - - -	2,031 50
		$26,389 93

The account of the expenditures is submitted to the committee on the state of the bank, and after being examined is certified by one of the members, whose name is written at the foot of the account. The same book is looked into by the dividend committee, and open to the inspection of the directors.

The committee cannot leave this subject without expressing their decided opinion of the impolicy of the course pursued by the directors in having thus increased the expenses of the institution in the printing and distributing the speeches and many of the pamphlets and documents which are mentioned in the vouchers. The expense is believed to have been unnecessarily incurred. It would have been more judicious and wise to have left those publications to reach the country through the ordinary channels of communication. There would have existed no backwardness in the public press or on the part of individuals to spread information before the people; while its own attitude would have lost nothing in public estimation by the practice of more reserve.

The augmented amount of expenditure in the years 1832 and 1834, over the preceding and intermediate years, taken in connexion with the circumstance that during those two years important elections were to take place, subjects it to the charge, whether well or ill founded the Senate will determine, of a direct interference in elections, from which it should most cautiously have abstained, even in appearance.

Resolution, March 11, 1831.

The committee disapprove as decidedly the practice which has grown up under the resolution adopted by the board on the 11th March, 1831, which invested the president of the bank with authority "to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank." To the defined objects of the resolution no serious cavil or objection exists, or can be well taken. The power to draw money from the bank is sufficiently limited by the declared purpose of preparing and circulating such papers only as will give information in regard "to the nature and operations of the bank.” But expenditures have grown up under it, resting on the orders of the president, without vouchers or defined purpose. The committee have all proper respect for the president of the bank. Nothing has transpired during that intercourse which has of necessity existed between him and the committee, whilst they were prosecuting their inquiries relative to the bank, calculated to produce any other than feelings of respect towards him. But the directors should carefully have avoided every appearance of mystery; nor should they have consented to place the president in a situation so full of embarrassment—one in which, to make explanations, might be to defeat the very object held in view, while to remain silent leaves room for the most injurious conclusions. The committee owe it to themselves to state, that they submitted to the president the propriety of disclosing the objects of expenditure. The president averred that the bank could not have the least difficulty in making an ample and minutely detailed disclosure of every item of expenditure, so far as the bank itself or its officers were concerned; but urged the delicacy and justice, in his opinion, of refraining from disclosures which would most probably expose others, every way innocent, to vituperation, malignant aspersion, and peradventure to personal vengeance. He averred his willingness to verify, under any form of solemnity in any way agreeable to the committee, for what the expenditure had not been made—that no portion had been made to subsidize any portion of the public press, or to tamper with or affect the purity of any public functionary; but reverted to the indelicacy and possible danger of exposing innocent persons to odium or persecution. The detection of counterfeiters, the setting on foot the necessary measures where suspicions were awakened, the refutation of calumnies, &c., were adverted to, as in many instances required by the interests of the bank, and yet some of them, from their nature, requiring the greatest secrecy. The committee would credit the statement of the president as soon as that of any honorable man, the correctness of whose course through life had placed his veracity above suspicion; but there should be no reserve or mystery in the accounts of the bank. The voucher should set forth the object of expenditure—details or particulars might be dispensed with—names might be omitted, and no index furnished pointing to particular individuals. The failure to define the object begets suspicion; and suspicion in the minds of a people who should be jealous of the purity of all who have agency in conducting public affairs is oftentimes equivalent to condemnation. It is urged with some force, that the bank has had to endure numberless assaults; and that in many things it has been unjustly accused—nay, further, that it had within its own bosom, in the persons who have been directors, bitter enemies, ready to assist in the work of its destruction. Let all this be conceded, and yet there would seem to exist no necessity for secrecy. It should rather bid defiance to all such, by exerting a watchfulness over itself, and lifting the veil to all having authority to look into its proceedings. The right to defend itself after a becoming manner would readily be conceded to it by an enlightened community. The people of the United States should not, and it is hoped never will, condemn in any case without giving to the accused an opportunity of being heard; but for that defence the payment, if payment be made, should be so set forth as with sufficient certainty to designate the object, and every thing of unnecessary mystery most studiously avoided. These are the sentiments entertained by the committee, and as they have been ready to acquit the bank of improper charges, so are they as ready to censure when truth and justice require it.

The expenditures under the resolution of the 11th of March, 1831, above spoken of, are as follows, viz:

1831.	For the first half year, ending 30th of June, deducting so much of the expenditure as contains a specification of object, viz: $2,000, which is contained in statement for printing -	$5,801
	For last half year, ending 31st December	5,024
	Total for the year 1831 -	10,825
1832.	For first half year, ending 30th June -	$2,150
	For last half year, ending 31st December	6,350
	Total for the year 1832 -	$8,500
1833.	For first half year, ending 30th June -	$2,600
	For last half year, ending 31st December	1,855
	Total for the year 1833 -	$4,445
1834.	For first half year, ending 30th June -	$2,475
	For three months, ending 30th Sept.	900
	Total from 1st Jan., 1834, to 30th Sept.	$3,375

Making an aggregate of expenditure, from the 11th March, 1831, to 30th September, 1834, of - - - - - - - $27,155

Under the head, “current and contingent,” for the first half of the year 1834, is to be found one item in the following words: “Contingent expenses in regard to removal of deposites” - - - - - - 3,350

Which rests on four vouchers, for the more perfect understanding of which one has been literally copied, and is as follows, viz: “February 24, received from the Bank of the United States one thousand two hundred and fifty dollars, for contingent expenses in regard to removal of deposites. “N. Biddle.”

In the expense account of 1832 there is also a charge of 4,040, paid on orders of the president to protect the bank against a run on the Western branches.

In all other respects than those which have been noticed, the accounts of the bank are free from objection. The expense accounts at the branches present nothing worthy of remark. Expenditures made in the way of printing, under the resolution of the 11th March, 1831, were reported to the bank at Philadelphia, were there paid for and entered upon the books. The committee examined each item of expenditure for professional services rendered to the bank, and saw nothing to call for remark. An institution, whose dealings are so extensive, must often be found either as plaintiffs or defendants in the courts—questions of great interest to it have arisen at every stage of its existence, and its expenses have been considerable; but its fees to counsel seem to have been measured by reference to the service rendered, and it cannot be accused of unnecessary extravagance in this respect.

But one other subject remains, which the committee thinks it necessary to bring to the notice of the Senate. The President of the United States called upon the Government directors, Mr. Macalester and Mr. Ingraham, for information relative to certain proceedings of the bank. On the 24th October last, Mr. Ingraham made known to the board his intention of calling on the cashier for such books and papers as he might find it necessary to examine, in order to meet the requisition of the President. He stated that it was not his intention to submit to the board any formal motion, but merely to give notice of the requisition which would be made on the cashier. The correspondence which grew out of the notice will be found in the annexed document, marked N, from which it will appear that the two Government directors addressed a letter to the cashier on the 25th October, requiring a view of the books, for the purpose of making extracts from them for the President of the United States. That the cashier, by letter of the same date, declined to produce the books "for that purpose," without previously submitting their letter to the board, which was accordingly done, and the board adopted a resolution approving the course of the cashier.

The notice given by the Government directors to the board, and afterwards to the cashier, placed the requisition upon the footing of a requisition made by the President of the United States, upon the officers of the bank, for books, papers, and extracts; and whether by the charter he is invested with authority to make such demand, the Senate is best competent to decide. The subject is, therefore, submitted to its consideration without further comment. The subjoined statement of the profit and loss account of the bank, for various periods, has been prepared upon the requisition of the committee, and is now submitted to the Senate.

The committee have now fulfilled, as far as they were able, the highly responsible duty imposed upon them by the Senate. In the investigation which they have made, their only object has been to arrive at truth and to award justice. Their opinions upon the subject of the bank are, by the whole country, known to be variant; by some of the members of the committee the opinion has been uniformly maintained, and continues wholly unchanged, that the creation of the bank was violatory of the constitution; they would, therefore, desire to see the charter expire. Others of the committee entertain different opinions, in the maintenance of which they have been equally inflexible; but that question has nothing to do with the inquires which the committee has been called upon to make, nor has the party politics of the hour been permitted to influence them. Agitations produced by political causes are temporary; truth, on the contrary, is eternal. Its behests alone have been obeyed by the committee, and in order to enable the Senate to correct any error, of fact or opinion, into which the committee may have fallen, they submit to it a full compilation of documents and proofs.

RELATIONS WITH FRANCE.

In Senate of the U. S., *Jan. 6, 1835.*

Report of the Committee on Foreign Relations.

Mr. Clay, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations have, according to order, had under consideration that part of the message of the President of the United States which refers to the present state of our relations with France; and having attentively examined the correspondence which has passed between the two Governments, communicated to Congress, and deliberated on the whole subject with an earnestness commensurate with the high respect due to the views of the Chief Magistrate, and demanded by the delicacy of the questions and the magnitude of the interests involved, beg leave now to submit the following report:

The committee must, in the first place, express their entire concurrence with the President as to the justice of the claims of the citizens of the United Stntes for which indemnity is stipulated by the treaty of the 4th of July, 1831. They had their origin in a series of measures of the French Government, which prostrated the clearest principles of public law, and violated the most solemn engagements consecrated by pledges of national faith. The veil by which their enormity was attempted to be covered, of prior aggressions authorized or inflicted upon the neutral commerce of the United States, by the enemy of France, was too thin to create the slightest deception. Nothing, in the conduct of one belligerant, can justify the perpetration of an injury upon an innocent third party; but, even if an overruling necessity of self-preservation should, in any case, prompt the infliction of such an injury, nothing could excuse it but an ample and immediate reparation. At the period when these aggressions were committed, the United States would have stood fully justified in the face of the whole world, if they had appealed to arms to avenge their wrongs and vindicate their rights. And it is known to those who are conversant with the history of the times, that a resort to hostile measures against France was seriously considered and actually proposed in the councils of the United States. It was deemed expedient not to adopt them, but to declare war against the other belligerant. This selection of their enemy, by the Government of the United States, did not proceed from an insensibility to the injuries of France; but was prompted by a conviction that a war with France, in the actual condition of things, would be unattended with any practical consequences, whilst Great Britain, it was believed, might be made to feel the effects of her more violent and unjust measures.

Whilst, however, the Government of the United States felt itself constrained, by prudential considerations, to abstain from an appeal to arms at that period, against France, it resolved never to acquiesce in the injustice which citizens of the United States had experinced at the hands of France, but unremittingly to persevere in demanding the indemnity to which they were justly entitled. It was due to ancient relations with France, to the interests of the two countries, and to the nature of the case, since the injuries were not resented when they were fresh, that redress should be first sought by friendly negotiation. As early as 1812, a distinguished citizen of the United States was deputed to France, when the power of her Emperor was at its greatest height, to demand satisfaction. His sudden and unexpected death probably prevented the accomplishment of the object of his mission. From that period, down to the signature of the treaty under consideration, every American administration, and every American minister at Paris, with the exception of a short period of forbearance, dictated by delicacy and friendly feelings towards France, have earnestly pressed for the indemnity to which we are entitled. From the multitude and the nature of the aggressions committed by France, it is difficult to ascertain, at this day, their precise amount; and it never, probably, can be exactly verified, even by judicial investigation, owing to the loss of evidence and other causes. But the committee concur, perfectly, with the President, in the opinion he has expressed in his message, that it is "absolutely certain that the indemnity falls far short of the actual amount of our just claims, independently of damages and interest for the detention." During the progress of the negotiation, and at the moment of signing the treaty, the American minister, who concluded it, had in his possession authentic documentary evidence demonstrating that the measure of indemnity was far below the measure of wrong. The President is, therefore, fully justified in saying, "that the settlement involved a sacrifice, in this respect, was well known at the time." Although the commission which has been created to decide on the claims has not yet closed its labors, enough has been already disclosed to establish that this sacrifice is even greater than that which the American minister ought to have known at the signature of the treaty.

Nevertheless, intelligence of the conclusion of the treaty was received in the United States, by the people and their council, with general satisfaction. Time blunts the force of injuries; the aggressor and his victim alike fall beneath the unsparing scythe; and the people of the United States saw in the treaty at least a partial, though tardy, justice rendered to those injured citizens who yet linger behind, and to the descendants of those who died unredressed. Above all, the people of the United States saw in the treaty the removal of the only obstacle to the restoration of that perfect harmony with France, which has ever been near their hearts.

Never, on this side of the ocean, could the people of the United States believe that a treaty which, at least upon its face, after its mutual ratification, bore all the solemnities of a perfect obligation of both parties, was to be violated on the other side. So confident was Congress of its faithful execution, that it hastened to pass the laws necessary to give to France the full advantage of the stipulations inserted for her benefit; and, to render the sums stipulated to be paid to American citizens as available as possible, Congress also provided by law that, when the instalments should be received, they should be invested in a productive fund. It was prior to this latter provision that the Secretary of the Treasury made a draft in favor of the Bank of the United States upon the Treasury of France for the first instalment, which was protested. It might have been delicate towards France, it certainly would have been more fortunate, if this draft had not been made until information had been obtained of the necessary appropriation by the French Chambers to meet it; but the committee are unanimously of opinion that the mode adopted was fully justified by the terms of the treaty, and that no objection against it can be fairly drawn from them.

Near two years have elapsed since, on the 2d February, 1833, the first instalment of the indemnity became due without any provision for its discharge. During the greater part of this time, from the moment of the protest of the draft, the American Government has strenuously urged upon France the fulfilment of the treaty; and it is with profound regret that the committee find that its earnest endeavors have hitherto been unsuccessful.

The President justly remarks that the idea of acquiescing in the refusal of the execution of the treaty will not for a moment be entertained by any branch of the American Government. The United States can never abandon the pursuit of claims founded on the most aggravated wrongs. And if, contrary to all just expectations, France should persist in the non-fulfilment of the treaty, when negotiation shall be completely exhausted, it will then become the bounden and painful duty of the United States to consider what measures are called for on the occasion by their honor, their interests, and the justice due to their injured citizens.

The period, in the opinion of the President, has already arrived for entertaining the consideration of this momentous question. It is his conviction "that the United States ought to insist on a prompt execution of the treaty, and, in case it be refused, or longer delayed, take redress in their own hands." And he accordingly recommends "that a law be passed authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers." These reprisals would not, in the opinion of the President, give to France any just cause of war; but if she should continue to refuse an act of acknowledged justice, and, "in violation of the law of nations, make reprisals on our part the occasion of hostilities against the United States, she would but add violence to injustice, and could not fail to expose herself to the just censure of civilized nations, and to the retributive judgments of Heaven."

The President does not present this course of reprisals as the only one for the consideration of Congress. He says, "if it shall be the pleasure of Congress to await the further action of the French Chambers, no further consideration of the subject will, at this session, probably be required at your hands." And, in conclusion of this part of his message, he repeats that "it belongs to Congress to decide whether, after what has taken place, it will still await the further action of the French Chambers, or now adopt such provisional measures as it may deem necessary, and best adapted to protect the rights and maintain the honor of the country. Whatever that decision may be, it will be faithfully enforced by the Executive, as far as he is authorized so to do."

Thus the President states, for the consideration of Congress, two measures, one contemplating further forbearance, and the continuance of friendly negotiation and peace; and the other, although provisional and contingent, involving the possible hazard of war.

The committee are happy to agree fully with the President, "that our institutions are essentially pacific. Peace and friendly intercourse with all nations, are as much the desire of our Government as they are the interest of our people." But, if it be the true policy of the United States to practise the greatest moderation and forbearance towards all nations, and to consider war as a calamity never to be resorted to but in extreme cases, what additional force do these sentiments acquire when applied to France, our ancient ally and friend, for whom the people of the United States cherish "the most grateful and honorable recollections, associated with our struggle for independence."

Entertaining these views, the committee have considered it to be their first duty attentively to examine the pacific branch of the alternative presented by the President, to discover whether there was any rational hope that, by the exercise of further patience, the hazards of war might be prevented. They have, in consequence, carefully perused the whole correspondence, submitted by the President to the Senate, between the two Governments, to find out, if they could, the causes of the extraordinary delay which has occurred in the execution of the treaty, and whether there was any prospect of their ultimate removal. They have done more; they felt it to be their duty to examine the correspondence as far as it was accessible to them, which preceded as well as that which followed the conclusion of the treaty, to see if those causes were altogether unforeseen and unexpected.

It appears from a despatch of Mr. Rives to the Secretary of State, under date the 18th September, 1830, at his first interview with the French Secretary of Foreign Affairs, after the revolution which placed the present King of France on the throne, that this French minister said that he thought that the principle of indemnity would be admitted, but that the amount of the claims was a very complex question, depending on a great variety of considerations, and requiring minute and detailed examination; "that he believed our claims would encounter much less opposition with the Government (meaning the King and his ministers) than with the Chambers; that he had thought of the organization of a commission to examine the subject, consisting of members of both Chambers, as the best means of preparing those bodies for an ultimate decision; and that he should submit the proposition at an early day to the council." In a subsequent despatch of Mr. Rives, of the 9th November, 1830, he says, "the disposition of the King, as well with regard to this subject [the American claims] as to the general relations between the two countries, are every thing we could desire. The difficulty exists in the extreme reluctance of the nation to pay any more *indemnities*, and the necessity which the Government feels itself under of consulting the representatives of the nation, and of securing their approbation to any arrangement which may be ultimately concluded. The commission, of the formation of which I have already apprized you, has grown entirely out of this feeling."

On the occasion of an audience with the King, Mr. Rives, in his despatch of the 18th January, 1831, says that the King, in replying to his remarks, "reiterated the sentiments he had heretofore expressed to me, and referred to the measures he had taken, with a view to bring the differences between the two countries to a conclusion." * * * * * * "The King proceeded to say that, since reading the President's message, he had 'remonstrated' against all unnecessary delays in the prosecution of the business, and assuring me that every thing should be done, on his part, to bring it to the earliest termination, notwithstanding the disastrous state of their finances."

The commission appointed to examine our claims made their report. The majority of four rejecting our claims growing out of the Berlin and Milan decrees, as well as the Rambouillet and other special decrees, estimated the sum to which they supposed the United States to be fairly entitled, according to Mr. Rives, at between ten and fifteen millions of francs, and the minority of two, admitting the claims rejected by their colleagues, at thirty millions. In an interview between the French Minister of Foreign Affairs and Mr. Rives, described in his despatch of the 28th of April, 1831, the minister "spoke of the intrinsic difficulty of all *money* questions in a representative Government, increased in the present instance by the almost unanimous report of the commission." In another interview with the President of the Council of Ministers, described in the same despatch of Mr. Rives, M. Perrier said, "He felt all the importance of cultivating good relations with the United States; and that he was sincerely desirous of adjusting this ancient controversy; but that their finances, as I saw, were exceedingly deranged; and that there would be great difficulty in reconciling the Chamber of Deputies to an additional charge on the enfeebled resources of the state, for claims, too, which had not arisen from any wrong done by the present Government of France." In the same despatch, Mr. Rives reports, "the King expressed, as he has always done, very cordial sentiments for the United States; said he had frequently called the attention of his ministers to the necessity of settling our reclamations; that they had always objected the embarrassed state of the finances, but he hoped they would yet find the means of doing justice."

In a despatch of Mr. Rives of the 7th May, 1831, communicating the offer of twenty millions of francs, in full satisfaction of our claims, and his declining to accept it, he states the French minister to have replied, "that the offer he had just made was one of extreme liberality; that it would subject the ministers to a severe responsibility before the Chambers; that he had been already warned from various quarters that he would be held to a strict account for his settlement of this affair." In the same despatch, Mr. Rives details a conversation which he had had with the President of the Council respecting the amount of our claims, in which he said "that it was particularly hard that the burden of their adjustment should now fall upon the existing Government, in the present crippled state of its resources, and when all of its expenses were upon a war footing; and that it was certainly not the interest of either country to make an arrangement which the legislative authority here might refuse to carry into execution."

In another despatch of Mr. Rives, of the 29th May, 1831, he relates a conversation in an interview with the President of the Council. That minister, Mr. Rives states, then said, "that but for the Chambers there would be less difficulty in arranging this question, but that he apprehended a very serious opposition to it on their part, which might even more seriously embroil the relations of the two countries, by refusing to carry into execution any arrangement which should be made." He added, "that two months, sooner or later, could not be of much importance in the settlement of this question, and asked me if there would be any objection to adjourning its decision till the meeting of the Chambers, when the ministers could have an opportunity of consulting some of the leading members of the two Houses." This postponement was objected to by Mr. Rives, and was not insisted upon.

During the progress of the negotiation, the principle of indemnity was early conceded. The French minister first offered fifteen millions of francs. Mr Rives demanded forty. The French minister advanced to twenty, to twenty-four, and finally with extreme reluctance to twenty-five. At the point of twenty-four, Mr. Rives came down to thirty-two, as the medium between the two proposals. At that of twenty-five, the French ministers announced it as their ultimatum; and, in a despatch of Mr. Rives of the 14th June, 1831, he reports the French minister to have said "that it was the opinion of the most enlightened and influential members of both Chambers, that the offer of twenty-four millions, heretofore made, was greatly too much; that —,—,—,—, and other leading members of the one Chamber or the other, whom he mentioned, had already expressed that opinion to him, and emphatically warned him of the serious difficulties to which this affair would expose ministers."

Thus, it appears that throughout this whole negotiation, the King manifested the most friendly feelings towards the United States; that he took a decided interest, and exerted an unusual agency in the conduct of the negotiation; that the principle of indemnity having been acknowledged, the difficulty lay in the adjustment of the amount; but that by far the greatest difficulty arose from the apprehension that the Chambers, in consequence of the repugnance of the nation to the payment of any more indemnities, would not make the necessary appropriations to carry the treaty into effect; that Mr. Rives was reminded again and again, by more than one French minister, of this anticipated obstacle; that he was told by the President of the Council, that he apprehended the opposition from the Chambers might be such as seriously to embroil the relations between the two countries by refusing to carry into execution any arrangement which should be made; and that a proposition to adjourn the negotiation for two months, until the Chambers should meet, when the ministers could have an opportunity of consulting some of the leading members of the two Houses, was successfully resisted by Mr. Rives.

The committee have not adverted to the negotiation which terminated in the treaty of indemnity for the purpose of drawing from it any justification for the failure of the Government of France hitherto to fulfil the solemn stipulations of that treaty. It affords no such justification. If anticipated difficulties in the Chambers have really occurred, they ought to have been weighed, and were probably weighed, by the French Government, prior to the signature or prior to the ratification of the treaty. They were no doubt deemed to be of a nature not insuperable. At all events, they are the affair of the French Government, not ours. But the committee do think that, in candor and fairness, these difficulties, which were known to both parties, of which we were so often warned, ought to inculcate upon the American Government a spirit of the utmost indulgence and forbearance consistent with ultimate justice to our injured citizens. If, after the apprehended opposition presented itself in the Chambers, the French ministry, with sincerity and good faith, has fairly exerted its power to weaken and subdue it; if the King's Government is honestly still laboring to accomplish that end, however painful past delay may be, it would not only be unjust as to the French Government, but unwise as it respects the interests of the United States and the American claimants themselves, that we should interpose any obstacle to final success. A rash and precipitate measure on our part would not only tend to confirm prepossessions already existing against the treaty, but would probably convert some of the warm friends into indignant opponents to its execution.

This brings us to the consideration of what has transpired since the exchange of the ratifications of the treaty, for the purpose of executing it. The committee have deliberately examined all the evidence submitted to them, to satisfy themselves whether the Government of the King of France has sincerely and faithfully endeavored to obtain the appropriations necessary to execute the stipulations of the treaty. The statement contained in the message of the President respecting the periods of the meeting and the termination of the sessions of the French Chambers, the presentation of the bill of indemnity and the disposition made of it, is believed to be substantially correct, with the exception that it appears that the treaty was referred to a committee for examination on the 16th June, 1833, and it was deemed necessary to collect all the documents calculated to throw light upon the question, which, requiring time, prevented a report at that session. Standing alone, without explanation, the delay would imply indifference, if not culpable neglect, in procuring from the Chambers the requisite appropriation to fulfil a national engagement. But the apprehensions entertained and expressed by the French ministers, in the progress of the negotiation, as to the fate of the treaty before the Chambers, appear to have been constantly felt by them, and to have influenced all their proceedings. They profess to have been desirous to remove all difficulties by suitable explanations and by persuasion and conciliation, and to have thought that the support of the Chambers was more likely to be secured by these means and by time than by urging an immediate decision.

The committee beg leave to call the attention of the Senate to certain parts of the correspondence which are calculated to enlighten it in respect to the conduct and motives of the King and his ministers. In reply to a note of Mr. Niles, the American chargé d'affaires, complaining of the protest of the draft and the non-execution of the treaty, the French Minister of Foreign Affairs, in a note, under date the 26th March, 1833, says "it was well known in Washington that, according to a constitutional principle, which is also rigorously observed in the United States, the treaty of July 4, 1831, could not take effect in France until it had received the assent of the Legislature in all its financial particulars. Circumstances over which the King's Government have no control have hitherto prevented it from asking such sanction; and although the treaty does not contain any express stipulation as regards the necessity of such assent, yet it should not the less be considered as implied, inasmuch as it necessarily arises from the nature of things and the fundamental maxims of our public law."

And, in a subsequent part of the same note, the minister further remarks: "But I can assure you that, although there may be some delay in the acquittal of the sums mentioned in the treaty, yet that delay, which circumstances render unavoidable, will not be greater than necessity requires." He adds: "Your Government, sir, will appreciate duly the parliamentary considerations and the constitutional principles on which they are founded; and I doubt not that the affair will end by inspiring them with greater confidence in the King's Government."

There can be no doubt that the allusion of the French minister to circumstances over which the King's Government had no control, and to parliamentary considerations which would be duly appreciated at Washington, referred to the opposition to the treaty in the Chamber of Deputies. This supposition is confirmed by a passage in a note from Mr. Harris, the successor of Mr. Niles, as American chargé d'affaires, addressed to the French minister on the 1st of July, 1833, in which, referring to repeated interviews between them, he says: "He was then assured that there was some opposition in the Chambers with regard to the treaty, but that great hope was entertained of its being surmounted. The undersigned therefore employed himself, on the one hand, agreeably to the invitation that he would do so, in visiting the most influential members, and setting the principles of the treaty before them in their true light, so as to make them comprehend the whole importance of the question; and, on the other, in transmitting to the cabinet at Washington accounts of all that took place here, as well as the promises and assurances given him by the French ministry." The case must have been an extraordinary one in which a foreign minister could have invoked, or a representative of the American Government would have yielded to, such an irregular interposition.

In his answer to this note, the French minister, after expressing his opinion that it was unnecessary, the minister of France at Washington having been charged to make suitable representations, proceeds to say: "Thus his Majesty's Government, in demanding from the Chamber of Deputies, during the first session, the appropriation indispensable for discharging the engagements of the treaty, proceeded agreeably to rule; but it evidently did not depend upon the Government to have such appropriation voted in that session; and certainly it is not to Mr. Harris that the undersigned could think himself obliged to urge such a consideration.

"As to the session which began on the 25th of April, its shortness is sufficient alone to explain how the vote which was rejected in the preceding one should have been again deferred; and upon this point likewise the King's Government is fully authorized to consider itself clear of all imputation.

"No doubt, as Mr. Harris observes, the cabinet at Washington had a right to rely upon the exact fulfilment of the engagements subscribed in the name of France; and it is to be hoped that in this its confidence has not been diminished; but it is too enlightened, and understands too well the duties imposed by representative institutions, as well as by the parliamentary system, not to have judged that the King's Government would necessarily have, above all things, to preserve the proper line of conduct with respect to the Chambers. In fact, whilst the charter recognises in the King the right of concluding and ratifying treaties, it at the same time renders the sanction of the legislative body indispensable for the execution of those parts of their stipulations the examination of which is among their special attributes."

The difficulties, of which our representative at Paris was apprized, in passing through the Chambers the bill of appropriation, were communicated to the American Government by the French minister here. In a note from him to the Secretary of State, under date the 19th May, 1833, he says: "With regard to the explanations requested by the Secretary of State as to the delay of the French Legislature in giving its sanction to the financial clauses of the convention, the Duke de Broglie observes to the undersigned that it must be well known at Washington how much circumspection (*menagemens*) is necessary in a representative government, and how many parliamentary difficulties are to be met with, especially when a treaty is in question, which, on account of the obligations which it imposes on the country, has against it strong prejudices in the Chambers and public opinion without. The Minister of Foreign Affairs adds 'that this delay has been entirely unavoidable (*indépendent de sa volonté;*) that he will in a few days submit to the Chambers a bill on the subject, and that he will do all that could be expected from the known loyalty of the King's Government to effect its passage as speedily as possible, and to abridge a delay which he has been only able to regret.'"

Again, on the 31st August, 1833, the French minister at Washington, by the express orders of his Government, addressed a note to the Secretary of State, from which the following extract is taken: "It is easy to conceive that Congress should not hesitate to sanction a convention so advantageous to the citizens of the United States, and that the Federal Government should be eager to require its approval. But in France the case is different: prejudices, doubtless unreasonable, yet, from their nature, likely to exercise a disagreeable influence upon the minds of men, have been openly manifested against the validity of the American claims; and the King's Government, under the conviction that justice absolutely required the admission of a part of them, yet was far from expecting unanimous assent to its opinion. It was the more necessary to take these prejudices into account, as they had found their way into the Chambers, where it was matter of notoriety that the convention of July 4, 1831, would be violently opposed. Good faith, therefore, rendered it necessary to enlighten the public mind beforehand, and to prepare the way for an impartial discussion; and the King's Government might indeed have been fairly taxed with want of foresight, had it, under such circumstances, called at once on the Legislature for its assent to the treaty. Indeed, such a mode of proceeding was that best calculated to endanger the accomplishment of the affair, and could only have been adopted by a Government less anxious to fulfil its engagements. On the contrary, the plan pursued by the King's Government attests the purity of its intentions. As soon as it considered the moment propitious, the treaty was communicated to the Chamber of Deputies, and an appropriation was demanded in order to its execution; and the reproach that an opportunity had not been given to the Chambers of pronouncing upon the treaty, is sufficiently obviated by the parliamentary communications made twice on the subject."

Mr. Livingston, the minister of the United States, having reached Paris, and had an audience with the King on the 5th of October, 1833, addressed a note to the Duke de Broglie, in which he says, "The verbal assurance which his Majesty was pleased to give the undersigned, when he had the honor of being presented to him, and those which he received in the conference before alluded to, from the Minister of Foreign Affairs, can leave no doubt of the desire his Majesty has faithfully to perform the stipulations entered into with the United States." In the reply of the Duke, under date the 23d of the same month, after commenting on other parts of Mr. Livingston's note, he expresses the following emphatic assurance: "The undersigned will conclude, therefore, by assuring Mr. Livingston again, most positively, that at the next session, and on the day after the Chamber of Deputies shall have been constituted ready for business, the King's Government will lay before it the *projet de loi* relative to the convention of 4th July, 1831." In a subsequent note of the Duke to Mr. Livingston, under date of the 23d November, 1833, he repeats: "The undersigned is as anxious as the minister plenipotentiary of the United States can be for the definitive conclusion of an affair, the delays in which are completely independent of the will of the King's Government."

The committee have thus traced the correspondence down to the approach of that session of the Chamber of Deputies during which the bill of appropriation was rejected. The extracts from it might have been enlarged and multiplied, but those which have been presented account, and the committee think satisfactorily, for the delay on the part of the King's Government in pressing the bill to a final decision. They demonstrate also, up that period, the sincere desire with which the King and his Minister of Foreign Affairs were animated to carry the treaty faithfully into execution. While the American Government very properly remonstrated against the delay, it appears nevertheless to have been satisfied with the sincerity and good faith of the King's Government. Mr. Livingston, an eye-witness on the spot, declares, as late as October, 1833, that the assurances received by him directly from the King and from the Duke de Broglie left not a doubt on his mind of the desire of the King faithfully to perform the stipulations with the United States.

The committee next felt it incumbent upon them to examine into the proceedings and discussions in the French Chamber of Deputies (of which a copy has been communicated by the Executive to the Senate) on the subject of the bill making an appropriation to carry into effect the treaty. The right of the Chamber freely to examine the treaty, and to grant or refuse the supplies necessary to execute it, appears, throughout those proceedings and discussions, to have been generally conceded, or at least never contested. On the presentation of the bill in June, 1833, the President of the Chamber remarked: "The right of the Chamber is clearly established; no treaty of the sort now presented to us is perfect, or can be carried into execution in any of its parts, until the Chamber has given the Government the means of executing it. Nothing can be considered as definitive which is subject to the vote of the Chambers." Accordingly, all the documents and papers connected with the negotiation were submitted to the committee to which the bill was referred, and were canvassed by them as freely and fully as if the treaty had never been concluded. On this right, depending as it does upon a just construction of the provisions of the French charter, the committee do not feel it necessary, if they were competent, to express any opinion. Whether the Chambers have the right or not, they clearly possess the power to refuse an appropriation to carry the treaty into effect. The injury to us is the same in both cases, or varies only in degree. In either case, satisfaction is withheld for claims of American citizens, which we believe to be founded in justice, and which would have justified in their origin an appeal to arms; and these claims are admitted to be just by a treaty concluded with the authority of the King, ratified by him, and bearing upon its face all the testimony of a complete and perfect national compact.

The bill to carry into effect the treaty having been twice presented at previous sessions of the Chamber of Deputies, was again submitted to it on the 13th January, 1834, by the Minister of Finance. It was referred to a committee, which, on the 10th of March following, made an elaborate and able report, concluding by recommending the adoption of the bill. The debate opened upon it on the 28th of March, and was continued until the 1st of April, when, by a vote of 176 to 168, it was rejected. It is not the intention of your committee to exhibit even a sketch of the facts and arguments brought forward, either in the report or the discussion, in which several of the King's ministers shared, but they do no more than justice in rendering their humble testimony to the masterly ability and statesmanlike bearing exhibited by the Minister of Foreign Affairs in the Chamber of Deputies. That minister immediately resigned his place, in consequence of the vote of the Chamber.

The committee have looked into these proceedings and discussions to discover, if they could, the causes of the rejection of the bill. The principle of indemnity seems to have been generally admitted; the diversity of opinion was chiefly as to the amount. But, besides this, wide-spread and deep-rooted prejudices prevailed in the Chambers. Some of the members appear to have thought that France was a prey to the rapacity of foreign Powers; that the United States owed her a debt of gratitude growing out of her assistance in our struggle for independence, that ought to have restrained them from presenting any claim, or at least have greatly moderated their demands; that the decrees of France, out of which a large part of the claims sprung, were no more than a just retaliation upon the belligerant edicts of Great Britain; that the claims were in the hands of a few speculators; that upon a fresh negotiation the amount of indemnity would be materially reduced; and that, as to eight of the 25,000,000 of francs, the United States were seeking a double satisfaction, first, from Spain in the Florida treaty, and then from France in the treaty of 1831. Your committee cannot but think that this last objection, utterly groundless and derogatory from our national honor as it is, exerted a considerable influence upon the Chambers. It was suddenly sprung towards the close of the debate, and the supporters of the bill being taken by surprise, all the satisfactory explanations of which the Spanish treaty is susceptible were not made. The controlling motive, however, of the majority is believed to have been a conviction entertained by them that the treaty stipulates the payment of a greater sum than is justly due from France.

Unfortunately we are, perhaps, not altogether free from the repreach of having contributed to make this unfavorable impression of the treaty upon the mind of the French Chamber. In his despatch, under date the 8th July, 1831, accompanying the treaty, and addressed to the Secretary of State, after explaining some of its provisions, and referring to the opinion of Mr. Gallatin, Mr. Rives says: "If the opinion here expressed be correct, and certainly none enjoys or is entitled to more respect, the sum stipulated to be paid by the French Government will be amply sufficient to satisfy all the just claims of our citizens, of every description, comprehended in the scope of the negotiation." Again he remarks: "The result which has been gained in the interest of the claimants has not been achieved without the greatest difficulty. The correspondence of Mr. Crawford, of Mr. Gallatin, and of Mr. Brown, with the Department of State, (the unfavorable parts of which have, for obvious reasons, not heretofore been given to the public,) shows that they regarded this whole subject as almost entirely hopeless." And he further observes: "An arrangement which, amid so many difficulties, has secured for claims of our citizens (prosecuted in vain for the last twenty years, and a large portion, if not the whole, of which has been considered as desperate) a sum sufficient, in all propability, to pay every cent justly due, and nearly treble the amount pronounced to be due by the commission charged with their examination here; which has, at the same time, extinguished the claims of French subjects against the United States to the amount of near five millions of francs, by a stipulation to pay a million and a half, and has finally got rid of a most embarrassing claim (founded on the language of a treaty) of perpetual privileges in the ports of one of the States of the Union, by a temporary measure intrinsically advantageous to ourselves, and in the definitive settlement of these unpleasant questions, has laid a lasting foundation of harmony and friendship between two countries having the most important common interests, political and commercial: an arrangement marked by these features cannot, I trust, fail to be satisfactory, and to justify the responsibility which, under the discretionary powers the President has been pleased to confide in me, I have not hesitated to assume, both in the progress and termination of this complex negotiation."

A treaty possessing these characteristics may be acceptable to one party; but it is not surprising that it should not be very much so to the other, if it be true that he has stipulated to pay every cent of claims believed to be hopeless and desperate; that he has received less than one-third of what was due to his own subjects; and, instead of an equivalent for perpetual privileges, has received only what is intrinsically advantageous to the other party.

It is quite natural that the American negotiator should have commended to the favorable consideration of his Government the work of his own hands. If he had magnified it, some excuse might have been found in the complacency with which we too often contemplate our own achievements. But, perhaps, the feelings of the other party have not been duly consulted. It may not have been sufficiently considered, that what is won by skill in diplomacy on one side might have been lost by the want of it on the other; and the pretension of superior sagacity on our side was not likely to be soothing to the pride of the French nation, or to reconcile it to engagements against which strong prejudices prevailed. It remains to be seen whether harmony and friendship between the two countries, the lasting foundation of which Mr. Rives felicitates his Government with having been laid by him, shall, in the sequel, have been actually cemented.

Although the rejection of the bill of appropriation by the Chamber of Deputies could not have been entirely unexpected by the Executive of the United States, from the information which it possessed, the event produced very great surprise and much sensation with the people of the United States and with Congress. It appears from a note of Mr. Livingston to the Count de Rigny, who had succeeded the Duc de Broglie as Minister of Foreign Affairs, under date the 26th July, 1834, that, subsequent to the rejection of the bill, the King's Government had given him assurance "that no time should be lost in again submitting to the Chambers the law for giving effect to the convention with the United States." On the 5th June, 1834, the French minister at Washington addressed a note to the Secretary of State, in which, after announcing that he had received, two days before, the despatch which his Government had transmitted to him by the French brig le Cuirassier, in consequence of the unexpected rejection of the law for granting to the King's ministers the funds necessary for the execution of the treaty, he proceeds to say: "I hastened to communicate to you, on the day after, the sincere regrets, the explanations, and the ulterior views of his Majesty's Government on this subject, with the cordiality which has prevailed throughout this negotiation." * * * *

"The King's Government still adheres inviolably to the treaty concluded between the two Governments; first, because it has signed it; and also, doubtless, because it perseveres in believing it to be founded on right, on reason, and on the perfectly reciprocal interest of the two nations. The views and principles maintained with respect to the treaty, in the speech of the Duc de Broglie, on the 1st of March, are the views and doctrines of the whole cabinet.

"In examining, sir, the report of the dicussion which solemnly took place on the subject of the treaty in our Chamber of Deputies, you must have been convinced of the steady and enlightened firmness with which it was defended. However, the Chamber, making use of its constitutional power, and, moreover, from considerations of contested right and simple scruples, as the most special guardian of the public fortune, but not from any sort of hostility towards the United States, refused, as appears by the debates, by a small majority, its consent to the financial execution of the treaty. The King's Government, sir, after this rejection, has deliberated, and its unanimous determination has been, to make an appeal from this first vote of the present Chamber to the next Chamber, and to appear before the new Legislature with its treaty and its bill in hand. It flatters itself that the light already thrown upon this serious question, during these first debates, and the expression of the public wishes, becoming each day more clear and distinct, and, finally, a more mature examination, will have, in the mean time, modified the minds of persons, and that its own conviction will become the conviction of the Chambers. The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that its persevering persuasion of the justice, and of the mutual advantages of the treaty, authorize you to expect from it. Its intention, moreover, is to do all that our constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law.

"Such, sir, are the sentiments, such the intentions of his Majesty's Government. I think I may rely that, on its part, the Government of the Republic will avoid, with foreseeing solicitude, in this transitory state of things, all that might become a cause of fresh irritation between the two countries, compromit the treaty, and raise up an obstacle, perhaps insurmountable, to the views of reconciliation and harmony which animate the King's Council."

The force of these assurances, in regard to the views and purposes of the French Government, could not be resisted. The President yielded to it, and accordingly, in a note of the Secretary of State to the French minister, under date of the 27th June, 1834, after stating that the note of M. Serurier had been submitted to the President, and duly considered by him, the Secretary says: "Though fully sensible of the high responsibility which he owes to the American people, in a matter touching so nearly the national honor, the President, still trusting to the good faith and justice of France, willing to manifest a spirit of forbearance, so long as it may be consistent with the rights and dignity of his country, and truly desiring to preserve those relations of friendship which, commencing in our struggle for independence, from the true policy of both nations, and sincerely respecting the King's wishes, will rely upon the assurances which M. Serurier has been instructed to offer, and will therefore await, with confidence, the promised appeal to the new Chambers.

"The President, in desiring the undersigned to request that his sentiments on this subject may be made known to his Majesty's Government, has instructed him also to state his expectation that the King, seeing the great interests now involved in the subject, and the deep solicitude felt by the people of the United States respecting it, will enable him, when presenting the subject to Congress, as his duty will require him to do, at the opening of their next session, to announce at that time the result of that appeal, and of his Majesty's efforts for its success."

It was not at Washington alone that the French Government was given by the Executive of the United States to understand that the President, confiding in the assurances which he had received, would await the result of the renewed efforts to pass the bill of appropriation through the new French Chambers. Instructions were transmitted from the Department of State, under date the 27th of June, 1834, addressed to Mr. Livingston, in which, after adverting to M. Serurier's note, the Secretary says: "You will see that, although no explanation is afforded of the causes which led to the rejection of the bill by the Chamber, yet the assurances of the King's adherence to the treaty, and of the determination of the King and his Government to take all constitutional means in their power, both to induce the Chamber to carry it into effect, and to hasten the time when it may be acted upon by the Chamber, are so strong, that, without imputing the grossest bad faith, it is impossible altogether to reject them. It was, moreover, evident, from the discussion in the Chamber, that the assurances which had been made to you of the sincerity of the ministers were, in a great degree at least, well founded. Indeed, the speeches of the Duke de Broglie, in which the obligations of France on the subject, were urged with an ability and frankness that reflect the highest honor on that eminent minister, were, perhaps, sufficient to remove all doubt on that point."

In pursuance of these instructions, Mr. Livingston, in a note addressed to the French Minister of Foreign Affairs, under date the 29th July, 1834, says: "Instructions which I had in some measure anticipated in my note to your excellency of the 26th instant, have this day been received. They make it my duty (one which I perform with pleasure) to assure his Majesty's Government that the President feels the most perfect confidence in the assurances which have been given of his Majesty's desire to fulfil the stipulations of the convention of July, 1831, with the United States, through this legation, and particularly in those contained in an official communication, made by M. Serurier, to the Secretary of State of the United States, that the law for carrying the treaty into effect should be presented to the new Chambers, with the just hope that a more intimate knowledge of the justice of its provisions, and of the interests of the two nations, would ensure its passage." In a subsequent note of Mr. Livingston, as late as the 3d of August, 1834, in which he urges with great earnestness an early convocation of the Chambers for the purpose of again presenting the bill to their consideration, he declares that "the utmost reliance is placed in the assurances of his Majesty's ministers, and that not a doubt is entertained of the sincerity of their desire to procure the means of executing the treaty."

The committee take great pleasure in expressing their concurrence with the President and Mr. Livingston, in the belief of the anxious desire of the King and his Government faithfully to execute the treaty. It is due to frankness and justice to declare that they have not seen any reason whatever to occasion doubt or distrust as to the sincerity of the King. It would be incredible that the King should not be desirous to execute a treaty, in the formation of which he had a personal and particular agency, which was concluded by his voluntary authority, and which had finally received his deliberate sanction. Independent of the obligations of justice and good faith, the head of any Government would be prompted, under such circumstances, by personal character and pride, to desire the success of a leading measure of his administration.

It having been thus arranged between the two Governments that they should await the issue of a renewed appeal to the French Chambers for the requisite appropriation of funds to execute the treaty, the committee have examined into the causes which have induced the President to recommend to Congress the adoption of a measure of self-redress, to be used in the contingency of their refusal to make the appropriation. The President states in his message to Congress, that "the pledges given by the French minister, upon the receipt of his instructions, were, that, as soon after the election of the new members as the charter would permit, the legislative Chambers of France should be called together, and the proposition for an appropriation laid before them; that all the constitutional powers of the King and his cabinet should be exerted to accomplish the object; and that the result should be made known early enough to be communicated to Congress at the commencement of the present session."

The President continues: "I regret to say that the pledges made through the minister of France have not been redeemed. The new Chambers met on the 31st July last, and although the subject of fulfilling treaties was alluded to in the speech from the throne, no attempt was made by the King or his cabinet to procure an appropriation to carry it into execution. The reasons given for this omission, although they might be considered sufficient in an ordinary case, are not consistent with the expectations founded upon the assurances given here, for there is no constitutional obstacle to entering into legislative business at the first meeting of the Chambers. This point, however, might have been overlooked, had not the Chambers, instead of being called to meet at so early a day that the result of their deliberations might be communicated to me before the meeting of Congress, been prorogued to the 29th of the present month—a period so late that their decision can scarcely be made known to the present Congress prior to its dissolution. To avoid this delay our minister at Paris, in virtue of the assurance given by the French minister in the United States, strongly urged the convocation of the Chambers at an earlier day, but without success. It is proper to remark, however, that this refusal has been accompanied with the most positive assurances, on the part of the Executive Government of France, of their intention to press the appropriation at the ensuing session of the Chambers."

The pledge given by the French minister, to which the President is presumed to refer, is contained in the following paragraphs of his note to the Secretary of State of the 5th June, 1834:

"The King's Government, sir, will make every loyal and constitutional effort to that effect, and will do all that its persevering persuasion of the justice and of the mutual advantages of the treaty authorize you to expect from it. Its intention, moreover, is to do all that our constitution allows; to hasten, as much as possible, the period of the new presentation of the rejected law."

In his answer to that note of the French minister, the Secretary of State expresses the expectation of the President, that the King will enable him, when presenting the subject to Congress, as his duty will require him to do, at the opening of their next session, to announce, at that time, the result of that appeal, and of his Majesty's efforts for its success. If the French minister had, in a reply to this note, assented to the expectation of the President, there would have been a positive and explicit engagement, and the subsequent omission to convoke the Chambers in time to admit of the communication to Congress, at its present session, of the result of their deliberations, would have been an indisputable violation of it; but he made no reply, or, if he did, it has not been communicated to the Senate.

At Paris the French Government was strenuously urged by Mr. Livingston, first, to submit the appropriation to the Chamber of Deputies, which assembled on the 31st July; and that not being acceded to, secondly, that they should be specially called early in the autumn for that purpose. To these demands, Admiral de Rigny, the Minister of Foreign Affairs, at first, replied in his note of the 31st July, 1834, to Mr. Livingston:

"The King's Government, I do not hesitate to repeat, will eagerly seize the first occasion again to submit to the deliberation of the Legislature the bill requisite for carrying into effect the convention of 1831; and will use every exertion in its power to obtain an issue to this important question conformable to the wishes of the two cabinets. But certainly it will not be requisite for me to explain the reasons which will prevent the subject from being brought before the Chambers during the short session which the King will open this day.

"This session, the only object of which is to give the Chambers an opportunity of organizing themselves, will be almost immediately prorogued; and it will be needless to demonstrate to you, sir, the impossibility of keeping a Legislature assembled at a season of the year during which, in France, as in the United States, and in most countries under a constitutional form of government, parliamentary labors are habitually suspended."

"I regret, then, that on this point his Majesty's Government is unable to accede to the desire which you have expressed to me. As to the demand that the Chambers should be convoked in the autumn, in order to determine on the subject of the bill which was presented during the last session, it would be equally impossible for the King's Government to enter upon any positive engagement to that effect. But as soon as they can be assembled, you may be assured that among the subjects first submitted to their deliberations will be the treaty, all the stipulations of which we sincerely desire to obtain the means of executing."

In reply to an intimation of Mr. Livingston that the President could not avoid laying before Congress, at the present session, a statement of the position of affairs, nor under any circumstances permit the session to end on the 3d of March next, as it must, without recommending such measures as he might deem that justice and the honor of the country should require, Admiral de Rigny expresses the hope "that if the President of the United States should not consider himself at liberty to dispense with calling the attention of Congress to the state of this affair, he will only do so for the purpose of communicating the reasons for his confidence in the honesty of our intentions, and of counteracting any tendency to the adoption of measures, the more likely to be regretted, as they could only impede the settlement of a question from which we are sincerely desirous to exclude any new difficulties."

Mr. Livingston having again, in his note of the 3d of August, urged, with great earnestness and force, the fulfilment of the pledges given by M. Serurier, at Washington, as he understood them, Admiral De Rigny, in his reply of the 7th of that month, finally says: "On reading over M. Serurier's note, I am unable, I confess, to find in it any engagement or expression which is at variance with what I have had the honor to communicate to you myself.

"The King's minister at Washington has said nothing inconsistent with truth when he spoke of our disposition to do all that the constitution would permit, in order to hasten the period for the presentation of the rejected bill. But you are aware that the execution of this plan is subordinate to considerations, not to be lost sight of, for the sake of the very end which both Governments are anxious to attain; and M. Serurier cannot have meant any thing else in the part of his note which has thus been particularly regarded at Washington. You know, sir, the motive which would prevent the presentation to the Chambers of the *projet de loi* respecting the convention of one thousand eight hundred and thirty-one, during the session which will be immediately prorogued. Reasons, equally peremptory and equally clear, would forbid assembling the Chambers before winter for the special purpose of voting on the question, and it is with regret, I repeat, that we find ourselves unable to accede to the desire of the President of the United States on this point. But besides the impossibility of keeping the Chambers together at a time of the year during which parliamentary labors are habitually suspended, and when the Deputies already appear impatient to return to their homes, there is another consideration, applying to the treaty of one thousand eight hundred and thirty-one, the importance of which cannot have escaped your attention. Placed, as you are, in a situation to judge of every thing here which could have relation to the question, you must have been convinced with what circumspection (*menagemens*) it has to be treated before the Legislature and the public; and your own observations on this point must have enabled you to appreciate the system of prudence and procrastination (*adjournement*) which the King's Government had prescribed for itself. These precautions are equally necessary and proper at present, and, without entering here into details, the want of which your own penetration may easily supply, it is to be doubted, I must say, whether in the actual state of things an untimely (*anticipée*) assembling of the Chambers, for the purpose of securing, by their assent, the execution of the treaty of one thousand eight hundred and thirty-one, would produce those advantages which are at Washington expected from such a course.

"After these explanations, in which your Government will, I flatter myself, discover as much frankness as there is in the communications which it has instructed you to make, I repeat that, as soon as the Chambers can be assembled, the *projet de loi* which they discussed in their last session, will be one of the first subjects presented to them, and this new delay, I hope, will be far from injuring the prospect of success of an affair in which the assistance of time has been already usefully invoked." Admiral De Rigny concludes his note by observing, "the moderation of the Chief Magistrate of the republic of the United States is a new testimonial of the nobleness of his character, and of the enlightened principles by which his policy is guided. He will continue, we doubt not, to display in this business a spirit of wisdom and reconciliation well calculated to second our efforts for a successful termination of the affair; and he must be well persuaded that the French Government, as it comprehends the extent of its engagements, will fulfil them with that good faith which presides over all its actions."

The committee thought it might be agreeable to the Senate to present copious extracts from the correspondence, showing the pledges contained in M. Serurier's note, referred to by the President, and how they were understood at Washington and at Paris. The committee have believed it right, indeed, to imbody in this report large portions of the correspendence and documents, that the means might be at hand of testing the correctness of the conclusions at which they have arrived by the proofs from which they were drawn. This was regarded by the committee as essentially necessary, in respect to M. Serurier's assurances, since it is manifest that the President's conviction that they have been violated has exercised a controlling influence on his mind in recommending to Congress the measure of reprisals.

The committee concur with the President in considering that the general terms of the language of M. Serurier's note authorized the interpretation that there would be an early call of the Chambers for the purpose of submitting the bill to them. That language is, that the intention of the King's Government "moreover, is to do all that our constitution allows, to hasten, as much as possible, the period of the new presentation of the rejected law." The King, by the constitution of France, has the power of convoking the Chambers whenever he pleases; and the exercise of this power or prerogative was necessary to comply with the terms of an engagement, in which the Executive of the United States was assured that the period of presenting anew the rejected bill should be hastened as much as possible. The committee have not been able, however, to infer from the assurances of M. Serurier, as the President has done, the further pledge that the result of the deliberations of the Chambers should be made known early enough to be communicated to Congress at the commencement of the present session. Such, no doubt, was the laudable wish of the President, but they do not think that an engagement to that effect is fairly to be implied from the assurances of the French minister.

It is manifest, from the message of the President, that the immediate cause of his recommendation of the contingent measure of reprisals was the failure to execute the pledges which he understood had been given. If, at the instance of Mr. Livingston, the appropriation bill had been submitted to the Chambers convened on the 31st July, 1834, or if they had been convoked for that purpose early in the autumn, and they had continued their deliberations on that subject down to the present time, it is not probable that the President would have recommended any measure of self-redress. It is not improbable to suppose that the President would have abstained from any such recommendation, if he had known, what recent intelligence from France shows, that, in point of fact, the Chambers assembled on the 1st of December, instead of the 29th, the day on which it was believed by the President they would meet.

In this limited view of the subject, the question would be, whether the committee ought to advise the adoption of a measure, the tendency of which may be a rupture between the two countries, because the King of France, in violation of a pledge, did not call its legislative bodies together some sixty or ninety days earlier than the period of their accustomed meeting? If, without reason, such extra session had been refused, the committee would hesitate before, for that sole cause, they would take upon themselves the responsibility of giving such advice. But the French Government have assigned reasons, at least plausible, for declining to accede to the President's wish for an extra session of the Chambers. They say, that in France, as is known to be the case in the United States, during certain seasons of the year, legislative labors are habitually suspended: that, owing to the opposition to the bill of appropriation, they are obliged to proceed with great circumspection, and to adopt a system of prudence and procrastination; that Mr. Livingston, to whose personal knowledge they appeal, (and he does not deny it,) is aware, from his own observation, of the obstacles they have to encounter, and the caution which they are bound to practise; that a special call of the Chambers would not be attended with the benefit expected from it at Washington, and might endanger the success of the measure; and, finally, they appeal to the moderation of the President to exercise a spirit of wisdom and reconciliation in seconding their efforts, and in counteracting the adoption of any measures, the tendency of which would be more regretted, as they could only impede the settlement of a question from which they profess themselves to be seriously desirous to exclude any new difficulties.

If these reasons are not sufficient to command conviction, the committee think that they ought to secure acquiescence in the resolution of the King not to hazard the success of the bill by a special call of the French Legislature, at an unusual season of the year. Throughout the whole negotiation which preceded the conclusion of the treaty, and all that has followed it, the King of France has uniformly displayed a strong desire of a satisfactory accommodation of existing difficulties; and it is no more than a just tribute to his fidelity to declare, after a careful perusal of the whole correspondence, the conviction of the committee that, up to the date of the last note from his Minister of Foreign Affairs in August last, he had invariably, on all suitable occasions, manifested an anxious desire faithfully and honestly to fulfil the engagements contracted under his authority and in his name. The opposition to the execution of the treaty, and the payment of our just claims, does not proceed from the King's Government, but from a majority in the Chamber of Deputies. In such a case, while the King and his ministers are exerting their best endeavors to secure an appropriation, sound policy requires that we should second them, strengthen them, and, above all, do nothing to impair their force and augment the opposition already prevailing against the treaty in the Chambers.

The refusal of one portion of a foreign Government, whose concurrence is necessary to carry into effect a treaty with another, may be regarded in strictness as tantamount to a refusal of the whole Government; but when the head of that foreign Government, the organ which conducts all foreign intercourse, avows its anxious desire faithfully to execute the treaty; when it gives the strongest assurances of its determination to persevere with the co-ordinate branches of the Government to the accomplishment of that end; when, too, means of fulfilling the treaty have been but once refused by a majority of only eight voices, in an assembly composed of 344 members present; and when we reflect how often, in the annals of deliberative bodies, we find instances of measures which had previously failed, ultimately succeeding, the committee must think that the time has not yet arrived for entertaining a consideration of the serious question whether the Congress of the United States ought now to resort to any measure of self-redress. The civilized spirit of the age, the forbearance and moderation which have ever characterized the Government of the United States, and the obligations of Congress to the people of the United States to avoid war, or measures tending directly to produce war, except in the last extremity, all seem to the committee to demand that we should await the result of the renewed exertions of the French King and his cabinet to secure the financial means to execute the treaty.

The committee agree with the President that the United States ought not to consent to going behind the treaty for any purpose of disturbing its mutual stipulations. It ought to be considered as having finally closed whatever it professes to settle. But, for all other purposes, the door of negotiation ought to be considered as yet open. The object of negotiation is by adducing facts, and urging arguments, and by appeals to reason, to bring nations to common convictions and conclusions. In a previous part of this report it has been stated that deep-rooted prejudices and great misconception of facts prevailed in the Chambers with respect to the treaty, and especially in regard to the amount of indemnity. There is reason to apprehend that these impediments to a just consideration and a fair execution of the stipulations of the treaty are not yet completely removed. Among the last acts of the French Government, which have been communicated by the Executive to the Senate, is a note from the French Minister of Foreign Affairs, under date of the 8th August last, requesting information as to the proceedings of the commissioners appointed under the treaty with Spain of 1819; documents to prove that the owners of American vessels seized in St. Sebastian, and sold at Bayonne, in 1819, have received no part of the indemnity allowed by that treaty; the report made to Congress by the board of commissioners at the last session of Congress for the distribution of the indemnity stipulated in the treaty of 1831; and the report to Congress of the indemnity for slaves allowed by England in the treaty of Ghent.

The object of this information and of these documents, sought for by the French ministry, is no doubt to enlighten the French Chambers, and to carry into them the same conviction to which it has brought itself of the justice of our demands. It should be our wish and our aim, in future negotiation, to explain every thing that is dark or doubtful, and to afford the fullest and clearest elucidations on all points. We might, indeed, proudly and boldly hold up the treaty in our hands, and say to France, here is your bond, which we demand you immediately to discharge; but we owe it to our character, to truth, to justice, to the dignity of the nation, to satisfy the French Chambers and the whole world, that, although our demand is sanctioned and justified by the solemn obligations of a national compact, we would scorn to insist upon it if it were not also sustained by the immutable principles of eternal justice.

In recommending adherence yet longer to negotiation for the purposes indicated, the committee are encouraged by the past experience of this Government. Almost every Power of Europe, especially during the wars of the French revolution, and several of those of the new States on the American continent, have, from time to time, given to the United States just cause of war. Millions of treasure might have been expended, and countless numbers of human beings been sacrificed, if the United States had rashly precipitated themselves into a state of war upon the occurrence of every wrong; but they did not. Other and more moderate and better counsels prevailed. The result attested their wisdom. With most of the Powers, by the instrument of negotiation, appealing to the dictates of reason and of justice, we have happily compromised and accommodated all difficulties. Even with respect to France, after negotiations of near a quarter-century's duration; after repeated admissions by successive Governments of France of the justice of some portion of our claims, but, after various repulses, under one pretext or another, we have advanced, not retrograded. France, by a solemn treaty, has admitted the justice and stipulated to pay a specified sum in satisfaction of our claims. Whether this treaty is morally and absolutely binding upon the whole French people or not, it is the deliberate act of the royal executive branch of the French Government, which speaks, treats, and contracts, with all foreign nations for France. The execution of the stipulations of such a treaty may be delayed, postponed, as we have seen, contrary to the wishes of the King's Government; but sooner or later they must be fulfilled, or France must submit to the degrading stigma of bad faith.

Having expressed these views and opinions, the committee might content themselves, and here conclude; but they feel called upon to say something upon the other branch of the alternative, stated in the outset, as having been presented by the President of the United States to the consideration of Congress. The President is under a conviction that the United States ought to insist on a prompt execution of the treaty, and, in case it be refused or longer delayed, take redress in their own hands. He accordingly recommends that a law be passed authorizing reprisals upon French property in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers. This measure he deems of a pacific character, and he thinks it may be resorted to without giving just cause of war.

It is true that writers on the public law speak and treat of reprisals as a peaceful remedy in cases which they define and limit. It is certainly a very compendious one, since the injured nation has only to authorize the seizure and sale of sufficient property of the debtor nation, or its citizens, to satisfy the debt due; and if it quietly submit to the process, there is an end of the business. In that case, however, we should feel some embarrassment as to the exact amount of the French debt for which we should levy—because, being payable in six instalments, with interest, computed from the day of the exchange of the ratifications of the treaty, (February, 1832,) only two of those instalments are yet due. Should we enforce payment of those two only, and resort to the irritating, if not hazardous, remedy of reprisals, as the others shall successively fall due; or, in consequence of default in the payment of the first two, consider them all now due and levy for the whole?

Reprisals do not of themselves produce a state of public war; but they are not unfrequently the immediate precursor of it. When they are accompanied with an authority, from the Government which admits them, to employ force, they are believed invariably to have led to war, in all cases where the nation against which they are directed is able to make resistance. It is wholly inconceivable that a powerful and chivalrous nation, like France, would submit without retaliation to the seizure of the property of her unoffending citizens, pursuing their lawful commerce, to pay a debt which the popular branch of her Legislature had refused to acknowledge and provide for. It cannot be supposed that France would tacitly and quietly assent to the payment of a debt to the United States, by a forcible seizure of French property, which, after full deliberation, the Chamber had expressly refused its consent to discharge. Retaliation would ensue, and retaliation would inevitably terminate in war. In the instance of reprisals made by France upon Portugal, cited by the President, the weakness of this Power, convulsed and desolated by the ravages of civil war, sufficiently accounts for the fact of their being submitted to, and not producing a state of general hostilities between the two nations.

Reprisals so far partake of the character of war, that they are an appeal from reason to force; from negotiation, devising a remedy to be applied by the common consent of both parties, to self-redress, carved out and regulated by the will of one of them; and, if resistance be made, they convey an authority to subdue it, by the sacrifice of life, if necessary.

The framers of our constitution have manifested their sense of the nature of this power, by associating it in the same clause with grants to Congress of the power to declare war, and to make rules concerning captures on land and water.

Without dwelling further on the nature of this power, and under a full conviction that the practical exercise of it against France would involve the United States in war, the committee are of opinion that two considerations decisively oppose the investment of such a power in the President, to be used in the contingency stated by him.

In the first place, the authority to grant letters of marque and reprisal, being specially delegated to Congress, Congress ought to retain to itself the right of judging of the expediency of granting them, under all the circumstances existing at the time when they are proposed to be actually issued. The committee are not satisfied that Congress can, constitutionally, delegate this right. It is true that the President proposes to limit the exercise of it to one specified contingency. But if the law be passed, as recommended, the President might, and probably would, feel himself bound to execute it, in the event, no matter from what cause, of provision not being made for the fulfilment of the treaty by the French Chambers, now understood to be in session. The committee can hardly conceive the possibility of any sufficient excuse for a failure to make such provision. But, if it should unfortunately occur, they think that, without indulging in any feeling of unreasonable distrust towards the Executive, Congress ought to reserve to itself the constitutional right, which it possesses, of judging of all the circumstances by which such refusal might be attended; of hearing France, and of deciding whether, in the actual posture of things, as they may then exist, and looking to the condition of the United States, of France, and of Europe, the issuing of letters of marque and reprisal ought to be authorized, or any other measure adopted.

In the next place, the President, confiding in the strong assurances of the King's Government of its sincere disposition to fulfil, faithfully, the stipulations of the treaty, and of its final intention, with that view, of applying again to the new Chambers for the requisite appropriation, very properly signified during the last summer, through the appropriate organs at Washington and at Paris, his willingness to await the issue of this experiment. Until it is made, and whilst it is in progress, nothing, it seems to the committee, should be done on our part, to betray suspicions of the integrity and fidelity of the French Government; nothing, the tendency of which might be, to defeat the success of the very measure we desire. This temporary forbearance is the more expedient, since the French Government has earnestly requested that we should avoid "all that might become a cause of fresh irritation between the two countries, compromit the treaty, and raise up an obstacle, perhaps insurmountable, to the views of reconciliation and harmony which animate the King's council."

The President seems to have been aware of the possibility of a misinterpretation of his message, and he has sought to guard, the committee hope with success, against its being viewed in the light of a menace. But if his recommendation be followed up by the passage of a law of reprisals in Congress, it is much to be apprehended that our purpose might be supposed to be one of intimidation. France would look at our acts, not our protestations. And, in a reversal of situations, Congress would hardly consider it consistent with its dignity, its independence, and the freedom of deliberation, to pass an act of appropriation for a foreign Government, with a measure of self-redress denounced and suspended over its head by that foreign Government. If Congress shall decline authorizing reprisals, France will have no right to impute to the Government of the United States any design to appeal to her fears, and will be deprived of any such pretext for refusing to execute the treaty. In that event, the message of the President will be regarded as the manifestation of a lively sensibility to the honor and interests of his country, but his recommendation not being adopted by the only department of the Government competent to carry it into effect, it could afford no apology to France for disregarding the obligations of national faith and justice.

It may, and probably will, be asked: but suppose, contrary to all our just expectations, France should continue to fail to execute the treaty, what is then to be done? The committee will indulge no such supposition. They will not anticipate the possibility of a final breach by France of her solemn engagements. They limit themselves to a consideration of the posture of things as they actually now exist. They will not look beyond the impenetrable veil which covers the future. At the same time, it cannot be doubted that the United States are abundantly able to sustain themselves in any vicissitudes to which they may be exposed. The patriotism of the people has been hitherto equal to all emergencies; and if their courage and constancy, when they were young and comparatively weak, bore them safely through all past struggles, the hope may be confidently entertained now, when their numbers, their strength, and their resources, are greatly increased, that they will, whenever the occasion may arise, triumphantly maintain the honor, the rights, and the interests of their country. Without, however, prematurely disclosing the mode of performing any duty which the Government of the United States may, in any contingency, hereafter be called upon to fulfil to the people of these States, without expressing any anticipations inconsistent with the honor and good faith, or announcing any purposes wounding to the pride of France, the committee think it most expedient to leave Congress unfettered, and free to deliberate on whatever exigency may henceforward arise.

Entertaining these opinions and views upon the present state of our relations with France, the committee finally conclude by recommending to the Senate the adoption of the following resolution:

Resolved, That it is inexpedient, at this time, to pass any law vesting in the President authority for making reprisals upon French property, in the contingency of provision not being made for paying to the United States the indemnity stipulated by the treaty of 1831, during the present session of the French Chambers.

EXECUTIVE PATRONAGE.

In Senate of the U. S., *February*, 9, 1835.

Mr. Calhoun made the following report:

The select committee appointed to inquire into the extent of the executive patronage; the circumstances which have contributed to its great increase of late; the expediency and practicability of reducing the same, and the means of such reduction, have bestowed on the subjects into which they were directed to inquire that deliberate attention which their importance demands, and submit, as the result of their investigation, the following report, in part:

To ascertain the extent of executive patronage, the first subject to which the resolution directs the attention of the committee, it becomes necessary to ascertain previously the amount of the revenue and the expenditure, and the number of officers, agents, and persons in the employment of the Government, or who receive money from the public treasury, all of which, taken collectively, constitute the elements of which patronage is mainly composed.

As the returns of the revenue and expenditure for the year 1834 are not yet completed, your committee have selected the year 1833, as being the last of which complete and certain returns can be obtained.

The result of their investigation on all these points will be found in a table, herewith annexed, which contains a statement of the amount of the revenue under the various heads of customs, lands, post office, and miscellaneous, for the year 1833; the expenditures, for the same period, arranged under the various heads of appropriations, the number of officers, agents, contractors, and persons in the employment of the Government, or who receive money from the public treasury. From this table it appears that the aggregrate amount of the revenue for the year was $36,667,244, and of the disbursements $22,713,755; that the number of officers, agents, and persons in the employment of the Government, is 60,294; of which there belongs to the civil list, including persons in civil employ, attached to the army and navy, 12,144; to the military and Indian department 9,643; to the navy, including marine corps, 6,499; to the Post Office 31,917: all of whom hold their places directly or indirectly from the Executive, and, with the exception of the judicial officers, are liable to be dismissed at his pleasure. If to the above there be added 39,549 pensioners, we shall have a grand total of 100,079 persons who are in the employ of the Government, or dependent directly on the public treasury.

But, as great as is this number, it gives a very imperfect conception of the sum total of those who, as furnishing supplies, or otherwise, are connected with, and more or less dependent on, the Government, and of course liable to be influenced by its patronage, the number of whom, with their dependants, cannot even be conjectured. If to these be added the almost countless host of expectants, who are seeking to displace those in office, or to occupy their places as they become vacant, all of whom must look to the Executive for the gratification of their wishes, some conception may be formed of the immense number subject to the influence of executive patronage.

But to ascertain the full extent of this influence, and the prodigious control which it exerts over public opinion and the movements of the Government, we must, in addition to the amount of the revenue and expenditure, and the number of persons dependent upon the Government, or in its employ, take into the estimate a variety of circumstances which contribute to add to the force and extent of patronage. These, in the regular course of the investigation, would next claim the attention of your committee; but as all, or at least a far greater part of them, are of recent origin, they will properly fall under the next head to which the resolution directs the attention of your committee, and which they will now proceed to investigate.

Among the circumstances which have contributed to the great increase of executive patronage of late, the most prominent, doubtless, are the great increase of the expenditure of the Government, which, within the last eight years, (from 1825 to 1833,) *has* risen from $11,490,460 to $22,713,755, not including payments on account of the public debt; a corresponding increase of officers, agents, contractors, and others, dependent on the Government; the vast quantity of land to which the Indian title has, in the same period, been extinguished, and which has been suddenly thrown into the market, accompanied with the patronage incident to holding Indian treaties, and removing the Indians to the west of the Mississippi, and also a great increase of the number and influence of surveyors, receivers, registers, and others employed in the branch of the administration connected with the public lands; all of which have greatly increased the influence of executive patronage over an extensive region, and that the most growing and flourishing portion of the Union. In this connexion, the recent practice of the Government must be taken into estimate, of reserving to individual Indians a large portion of the best land of the country to which the title of the nation is extinguished, to be disposed of under the sanction of the Executive, on the recommendation of agents appointed solely by him, and which has prevailed to so great an extent of late, especially in the Southwestern section of the Union.

It is difficult to imagine a device better calculated to augment the patronage of the Executive, and, with it, to give rise to speculations calculated to deprave and corrupt the community, without benefit to the Indians. But as greatly as these causes have added to the force of patronage of late, there are others of a different nature which have contributed to give it a far greater and more dangerous influence. At the head of these should be placed the practice so greatly extended, if not for the first time introduced, of removing from office persons well qualified, and who had faithfully performed their duty, in order to fill their places with those who are recommended on the ground that they belong to the party in power.

Your committee feel that they are touching ground which may be considered of a party character, and which, were it possible, consistently with the discharge of their duty, they would wholly avoid, as their object is to inquire into facts only, as contributing to increase the patronage of the Executive, without looking to intention, or desiring to cast censure on those in power; but while they would cautiously avoid any remark of a party character, as inconsistent with the gravity of the subject, and incompatible with the intention of the Senate in directing the inquiry, they trust that they are incapable of shrinking from the performance of the important and solemn duty confided to them, of thoroughly investigating to the bottom a subject involving, as they believe, the fate of our political institutions and the liberty of the country, by declining to investigate, fully and freely, as regards its character and consequence, every measure or practice of the Government connected with the inquiry, whether it has or has not been a subject of party controversy.

In speaking of the practice of removing from office on party ground as of recent date, and, of course, comprehended under the causes which have of late contributed to the increase of executive patronage, your committee are aware that cases of such removals may be found in the early stages of the Government; but they are so few, and exercised so little influence, that they may be said to constitute instances rather than forming a practice. It is only within the last few years that removals from office have been introduced as a system, and, for the first time, an opportunity has been afforded of testing the tendency of the practice, and witnessing the mighty increase which it has given to the force of executive patronage; and the entire and fearful change, in conjunction with other causes, it is effecting in the character of our political system. Nor will it require much reflection to perceive in what manner it contributes to increase so vastly the extent of executive patronage.

So long as the offices were considered as public trusts, to be conferred on the honest, the faithful, and capable, for the common good, and not for the benefit or gain of the incumbent or his party, and so long as it was the practice of the Government to continue in office those who faithfully performed their duties, its patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies or to newly created offices, and could, of course, exercise but a moderate influence, either over the body of the community, or of the office-holders themselves; but when this practice was reversed—when offices, instead of being considered as public trusts, to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan services, without respect to merit; when it became to be understood that all who hold office, hold by the tenure of partisan zeal and party service, it is easy to see that the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans, ready for every service, however base and corrupt. Were a premium offered for the best means of extending to the utmost the power of patronage; to destroy the love of country, and to substitute a spirit of subserviency and man-worship; to encourage vice and discourage virtue; and, in a word, to prepare for the subversion of liberty and the establishment of despotism, no scheme more perfect could be devised, and such must be the tendency of the practice, with whatever intention adopted, or to whatever extent pursued.

As connected with this portion of the inquiry, your committee cannot avoid adverting to the practice, similar in its character and tendency, growing out of the act of the 15th May, 1820, which provides, among other things, that, from and after its passage, all district attorneys, collectors, and other disbursing officers therein mentioned, to be appointed under the laws of the United States, shall be appointed for the term of four years. The object of Congress, in passing this act, was, doubtless, to enforce a more faithful performance of duty on the part of the disbursing officers, by withholding reappointments from those who had not faithfully discharged their duty, without intending to reject those who had. At first, the practice conformed to the intention of the law, and thereby the good intended was accomplished, without materially increasing the patronage of the Executive; but a very great change has followed, which has, in the opinion of your committee, defeated the object of the act, and, at the same time, added greatly to the influence of patronage. Faithful performance of duty no longer ensures a renewal of appointment. The consequence is inevitable; a feeling of dependence on the Executive, on the part of the incumbent, increasing as his term approaches its end, with a great increase of the number of those who desire his place, followed by an active competition between the occupant and those who seek his place; followed by all those acts of compliance and subserviency by which power is conciliated; and, of course, with a corresponding increase of the number of those influenced by the executive will.

In enumerating the causes which have, of late, increased executive patronage, your committee cannot, without a dereliction of duty, pass over one of very recent origin, although they are aware that it is almost impossible to allude to it, in the most delicate manner, without exciting feelings of a party character, which they are sincerely anxious to avoid; they refer to the increased power which late events have given to the Executive over the public funds, and, with it, the currency of the country.

In considering this part of the subject of their inquiry, it is the intention of the committee to confine themselves, exclusively, to the tendency of the events to which they refer, as increasing executive patronage; avoiding all allusion to motives, or to the legality of the acts in question.

Whatever diversity of opinion may exist as to the expediency or the legality of removing the deposites, there can, it is supposed, be none as to the fact that the removal has, as things now stand, increased the power and patronage of the Executive in reference to the public funds. They are now, in point of fact, under his sole and unlimited control; and may, at his pleasure, be withdrawn from the banks where he has ordered them to be deposited, be placed in other banks, or in the custody of whomsoever he may choose to select, without limitation or restriction; and must continue subject to his sole will, till placed by an act of Congress under the custody of the laws. Whether any provision can be devised which would place them as much beyond the control of the Executive in their present as they were in their former place of deposite, and which, at the same time, would not endanger their safety, are points on which your committee do not deem it necessary to venture an opinion. What addition this unlimited control over the public funds, from the time of their collection till that of their expenditure, makes to the patronage of the Executive, is difficult to estimate. According to the report and statement of the Secretary of the Treasury, the amount of the public funds in deposite on the 1st of January, 1834, was $11,702,905; and their estimated amount, on the 31st December last, was $8,695,981; making an average amount, for the year, of $10,199,443; the use of which, considering the permanency of the deposites, may be estimated as not of less value to the banks in which they were deposited than four per cent.; making at that rate, on the average amount in deposite, the sum of $407,977 per annum. This immense gain to these powerful and influential monopolies depends upon the will and pleasure of the Executive, and must give him a corresponding control over them; but this of itself affords a very imperfect view of the extent of his patronage, dependent on his control over the public deposites. To ascertain its full extent, the advantages which these banks have, in consequence of the deposites, in circulating their notes, and in dealing in exchanges, and the competition which it must excite among the banks generally to supplant each other in these advantages, and, of course, in executive favor, on which they depend, and which must tend to create, on their part, a universal spirit of dependence and subserviency; the means which the deposites necessarily afford to raise or depress at pleasure the value of the stock of this or that bank; and the wide field which is consequently opened to the initiated partisans of power for the accumulation of fortunes by speculations in bank stock; the facility which all these causes combined must give to political favorites, in obtaining bank accommodations; and, finally, the control which the accompanying power of designating the notes of what banks may, and what may not, be received in the public dues, gives to the Executive over these institutions, must be taken into the estimate, to form a correct opinion of the full force of this tremendous engine of power and influence, wielded, as things now stand, by the will of a single individual.

Your committee have now enumerated the principal causes which have of late contributed to increase so greatly the patronage of the Executive. There are others still remaining to be noticed, which have greatly contributed to this increase, and which claim the most serious consideration; but as they are of an incidental character, it is proposed to consider them in their proper connexion, in a subsequent part of this report. Having completed, under its proper head, the inquiry as to the extent of executive patronage, and the cause of its recent increase, your committee will next proceed to investigate the deeply interesting questions of the expediency and practicability of its reduction.

In considering the question of the expediency of its reduction, your committee do not deem it necessary to enter into an elaborate argument to prove that patronage, at best, is but a necessary evil; that its tendency, where it is not effectually checked and regulated, is to debase and corrupt the community; and that it is, of course, a fundamental maxim in all states having free and popular institutions, that no more should be tolerated than is necessary to maintain the proper efficacy of Government. How little this principle, so essential to the preservation of liberty in popular Governments, has been respected under ours, the view which has already been presented of the vast extent to which patronage has already attained under this Government, and its rapid growth, but too clearly demonstrate. But, as great and as rapid as has been its growth, it may be thought by some who have not duly reflected upon the subject, that it is not more than sufficient to maintain the Government in its proper efficiency, and that it cannot be diminished without exposing our institutions to the danger of weakness and anarchy. To demonstrate the utter fallacy of such a supposition, it is only necessary to compare the present with the past, in reference to the point under consideration.

No one capable of judging will venture to assert that the patronage of the executive branch of this Government, in any stage of its existence, from the time it went fairly into operation, has ever proved deficient in proper influence and control; yet, if the present be compared with any past period of our history, excluding, of course, that of the late war, the patronage now under the control of the Executive will be found greatly to exceed that of any former period. To illustrate the truth of this remark, your committee will select, for comparison, the years 1825 and 1833—the former, because it was thought, even then, by many of the most experienced and reflecting of our citizens, that executive patronage had attained a dangerous extent; and the latter, because it is the latest period of which we have the requisite materials with which to make the comparison. What, then, is the comparative extent of executive patronage, respectively, with the short interval of but eight years between them? What, at these respective periods, was the amount of the revenue and expenditure? What the number of persons in the employ of the Government or dependent on its bounty? and what the extent to which, according to the practice of the respective periods, the patronage of the Government was brought to exert over those subject to its control? A short comparative statement will show.

The income of the Government, in all its branches, including the Post Office, was, in 1825, $28,147,383; and in 1833, $36,667,274. The gross expenditures, including the public debt, in 1825, was $24,814,847; in 1833, $27,229,389. Excluding the public debt, it was, in 1825, $12,719,503; in 1833, $25,685,846. The number of persons employed and living on the bounty of the Government, in 1825, 55,777; in 1833, 100,079.

Measuring the extent of the patronage at these respective periods, by these elements combined, without taking into consideration the circumstances which, as already shown, have in this short period given such increased force to executive patronage, the result of the whole, in 1825, compared with 1833, is as 65 to 89, making an increase of upwards of 36 per cent. If the comparative rapidity of this great increase be examined, it will be found that it has had a progressive acceleration throughout the period. If we divide the period into equal parts of four years each, the increase in the first four years will be found much less than in the last four. The increase, for instance, of the revenue during the first four years, was $4,616,594, and during the last four, $4,906,026; of the expenditures during the first four, $1,873,675, and during the last four, $9,313,340.

It may be said that this increase of patronage, great as it is, does not materially exceed the growth and population of the country, with which it is assumed that it ought to keep pace. This view overlooks entirely the increase of patronage from those circumstances which have so much increased it during the period in question, as has already been shown. If these be taken into consideration; if, to the increase of revenue and expenditure, and the number dependent on Government, we add the vast increase of executive patronage from the immense public domain recently thrown into market; the great extent of Indian reservations; the control which the practice of removal has established over those in office; and the great addition to executive power over the public funds, and, through this, over the bank institutions of the country, it cannot be doubted that, instead of increasing only 36 per cent., it has more than doubled, in the period in question; while the growth and population of the country have probably not exceeded twenty-four per cent.

But your committee cannot agree that there is any substantial reason why executive patronage should increase in the same proportion with the growth and population of the country. With the exception of the Post Office establishment, there is no necessary connexion between the increasing growth and population of the country and the increasing patronage of the Government. On the contrary, many of the public establishments are, or ought to be, stationary, others on the decrease; others, though necessarily increasing, increase at a rate far less than our population; and yet we find that, for the last eight years, there has been a progressive increase of patronage far greater than the growth and population of the country.

But the assumption that executive patronage and influence should increase in the same ratio with the growth and population of the country is not less dangerous than it is erroneous. If this assumption be carried out in practice, it must finally prove fatal to our institutions and liberty. The same amount of patronage and influence, in proportion to the extent and population of a country, which, in a small State, moderately populous, would be perfectly safe, might prove fatal in an extensive and populous community; just as a much smaller military force, in proportion, would hold under subjection the latter than the former. The principle is the same in both cases: the great advantage which an organized body, such as a government or an army, has over an unorganized mass—an advantage increasing with the increased difficulty of concert and co-operation; and this, again, increasing with the number and dispersion of those on whose concert and co-operation resistance depends; and hence, from their combined action, both as applied to the civil and military, the great advantage which power has over liberty in large and populous countries—an advantage so great that it is utterly impossible in such countries to defend the latter against the former, unless aided by a highly artificial political organization such as ours, based on local and geographical interests. If to this difficulty, resulting from numbers and extent only, there be added others of a most formidable character, the greater capacity in proportion on the part of the Government, in large communities, to seize on and corrupt all the organs of public opinion, and thus to delude and impose on the people; the greater tendencies in such communities to the formation of parties on local and separate interests, resting on opposing and conflicting principles, with separate and rival leaders at the head of each, and the great difficulty of combining such parties in any system of resistance against the common danger from the Government, some conception may be formed of the vast superiority which that organized and central party, consisting of office-holders and office-seekers, with their dependants, forming one compact disciplined corps, wielded by a single individual, without conflict of opinion within either as to policy or principle, and aiming at the single object of retaining and perpetuating power in their own ranks, must have in such a country as ours over the people—a superiority so decisive that it may be safely asserted that whenever the patronage and influence of the Government are sufficiently strong to form such a party, liberty, without a speedy reform, must inevitably be lost. When we add, that this great advantage of the Government over the people, of power over liberty, must increase proportionately with the growth and population of our country, it must be apparent how fatal would be the assumption, if acted on, that patronage and influence should increase in the same proportion; and how infinitely dangerous has been the tendency of our affairs of late, when, as has been shown, instead of increasing simply in the same proportion, they have advanced with a rapidity more than double. So far is the assumption from being true, if we regard the duration of our institutions and the preservation of our liberty, we must hold it as a fundamental maxim, that the action of the Government should, with our growth, gradually become more moderate, instead of more intense; a maxim resting on principles deep and irreversible, and which cannot be violated without inevitable destruction. Moderation in the action of this Government, the great central power of our system, is, in fact, the condition on which our political existence depends. In complying with this condition, we but conform to the principle which divine wisdom has impressed upon the beautiful and sublime system of which our globe is a part, and in which the great mass that gives life and harmony and action to the whole reposes almost motionless in the centre.

Your committee are aware that, since 1833, there has been a very considerable decrease of revenue, under the act of 2d March, 1833, known as the compromise law, with other preceding acts, in consequence of the payment of the public debt, which would very considerably affect the comparison, if the year 1834, instead of 1833, had been selected; and they have to express their regret that the want of full and accurate materials for the former year prevents them from furnishing a statement which, while it would show the decrease, would also show how little the final discharge of the public debt has contributed to diminish either the public expenditure or the patronage of the Executive—facts of no small moment, as connected with the subject of inquiry. The deep interest which the enlightened and patriotic took in that great event was not to indulge in the idle boast that the country was free from debt, but that it would, as they believed, be necessarily followed by the substantial blessing of reducing the public burdens, and, with it, the patronage of the Government; and thus, while it relieved industry, it would, at the same time, strengthen liberty against power. Thus far, these anticipations have been but very imperfectly, if at all, realized. As great as has been the reduction of the revenue, it is still as great as it was when the debt exceeded more than $100,000,000; and, what is more to the point, what conclusively shows how much easier it is to discharge a public debt than to obtain the corresponding benefits, a proportionate diminution of the public expenditure, is the fact, now, when we are free from all debt, the public expenditure is as great as it was when the debt was most burdensome to the country. The only difference is, that then the money went to the public creditors, but now goes into the pockets of those who live on the Government, with great addition to the patronage and influence of the Executive, but without diminution of burden to the people.

Your committee will next proceed to inquire what has been the effects of this great, growing, and excessive patronage on our political condition and prospects—a question of the utmost importance in deciding on the expediency of its reduction. Has it tended to strengthen our political institutions, and to give a stronger assurance of perpetuating them, and, with them, the blessings of liberty to our posterity? Has it purified the public and political morals of our country, and strengthened the ties of patriotism? Or, on the other hand, has it tended to sap the foundation of our institutions; to throw a cloud of uncertainty over the future; to degrade and corrupt the public morals; and to substitute devotion and subserviency to power in the place of that disinterested and noble attachment to principles and country which are essential to the preservation of free institutions? These are the questions to be decided; and it is with profound regret that your committee are constrained, however painful, to say that the decision admits of little doubt. They are compelled to admit the fact that there never has been a period, from the foundation of the Government, when there were such general apprehensions and doubts as to the permanency and success of our political institutions; when the prospect of perpetuating them, and, with them, our liberty, appeared so uncertain; when public and political morals are more depressed; when attachment to country and principles were more feeble, and devotion to party and power stronger; for the truth of all which they appeal to the observation and reflections of the experienced and enlightened of all parties. If we turn our eyes to the Government, we shall find that, with this increase of patronage, the entire character and structure of the Government itself is undergoing a great and fearful change, which, if not arrested, must, at no distant period, concentrate all its power in a single department.

Your committee are aware that, in a country of such vast extent and diversity of interest as ours, a strong Executive is necessary; and, among other reasons, in order to sustain the Government, by its influence, against the local feelings and interests which it must, in the execution of its duties, necessarily encounter; and it was doubtless with this view mainly that the framers of the constitution vested the executive powers in a single individual, and clothed him with the almost entire patronage of the Government. As long as the influence of the Executive is so moderate as to compel him to identify his administration with the public interest, and to hold his patronage subordinate to the principles and measures necessary to promote the common good, the executive power may be said to act within the sphere assigned to it by the constitution, and may be considered as essential to the steady and equal operation of the Government; but when it becomes so strong as to be capable of sustaining itself by its influence alone, unconnected with any system of measures or policy, it is the certain indication of the near approach of irresponsible and despotic power. When it attains that point it will be difficult to find, any where in our system, a power sufficient to restrain its progress to despotism. The very causes which render a strong Executive necessary, the great extent of country and diversity of interests, will form great and almost insuperable impediments to any effectual resistance. Each section, as has been shown, will have its own policy and its own favorites, entertaining views of principles and policy so different as to render a united effort against executive power almost impossible, while their separate and disjointed efforts must prove impotent against a power far stronger than either, taken separately; nor can the aid of the States be successfully invoked to arrest the progress to despotism. So far from weakening, they will add strength to executive patronage. A majority of the States, instead of opposing, will be usually found acting in concert with the Federal Government, and, of course, will increase the influence of the Executive; so that, to ascertain his patronage, the sum total of the patronage of all the States, acting in conjunction with the Federal Executive, must be added to his. The two, as things now stand, constitute a joint force, difficult to be resisted.

Against a danger so formidable, which threatens, if not arrested, and that speedily, to subvert the constitution, there can be but one effectual remedy; a prompt and decided reduction of executive patronage; the practicability and means of effecting which your committee will next proceed to consider.

The first, most simple, and usually the most certain mode of reducing patronage, is to reduce the public income, the prolific source from which it almost exclusively flows. Experience has shown that it is next to impossible to reduce the public expenditure with an overflowing treasury; and not much less difficult to reduce patronage without a reduction of expenditure; or, in other words, that the most simple and effectual mode of retrenching the superfluous expenditure of the Government; to introduce a spirit of frugality and economy in the administration of public affairs; to correct the corruption and abuses of Government; and, finally, to arrest the progress of power, is, to leave the money in the pockets of those who made it, where all laws, human and divine, place it, and from which it cannot be removed by Government itself, except for its necessary and indispensable wants, without violation of its highest trust and the most sacred principles of justice. Yet, as manifest as is this truth, such is our peculiar (it may be said extraordinary) situation, that this simple and obvious remedy to excessive patronage, the reduction of the revenue, can be applied only to a very limited extent.

But before they proceed to the question of reducing the revenue, your committee propose to show what will be its probable amount in future, as the laws now stand; to what limits the public expenditure may be reduced, consistently with the just wants of Government; and, finally, what, with such reduction, will be the probable annual surplus to the year 1842, when the highest duties will be reduced to 20 per cent. under the act of March 2, 1833; and when, as the act provides, the revenue is to be reduced to a sum necessary to an economical administration of the Government.

According to the statement from the Treasury Department, the receipts of the year 1834, from all sources, amounted to 22,584,366 dollars; of which customs yielded $16,105,372; land $5,020,940; the residue being made up of bank dividends and incidental items; and the question now for consideration is, what will be the probable annual receipts from all sources during the next seven years, if the income, as has just been stated, is to be reduced to the economical wants of the Government; a question which, from its nature, can only be answered by probable estimates and conjectures, and which, in this case, is the more difficult to be answered from a defect of data in reference to the customs, the principal source of revenue. The changes in the rates of duties have been so great latterly, and the period so recent since the laws, as they now stand, commenced operation, that it is impracticable to resort to those average results, deduced from long periods, by which only the temporary changes and fluctuations of commerce can be detected, and its habitual current ascertained and subjected to calculation. The act of the 2d of March, 1833, which made the last change, and on the provisions of which the estimates of the income from the customs for the period in question must be based, commenced its operation on the 1st of January, 1834, and we, of course, have the result of but a single year. From a statement furnished by the Treasury Department, it seems that the domestic exports of that year amounted, in round numbers, to eighty millions of dollars, and the imports, given in round numbers, (as all the subsequent statements are,) to $125,500,000; of which $23,000,000 were re-shipped, leaving $102,500,000 for the consumption and use of the country, of which $55,000,000 were of articles free of duty, and $47,000,000 of those liable to duties; that the gross estimated receipts amounted to $15,572,448, and the nett to $14,222,448, leaving $1,350,000 as the expense of collection; that the reduction of one-tenth of the duties above 20 per cent. ad valorem every two years, according to the provisions of the act of 2d of March, 1833, amounted to eight hundred and fifty thousand dollars.

As scanty as these data are, it is believed that it may be safely anticipated that the average annual estimated income from the customs for the period in question will be equal at least to the income of the last year. Instead of entering into all the details through which your committee have come to this conclusion, which would swell this report to an unwieldy size, they will content themselves with simply giving the results of the causes which, as far as can be foreseen, may either increase or diminish the receipts of the customs for the next seven years, as compared with the past year, accompanied by a statement of their probable effects in the aggregate.

It will, however, be previously necessary to inquire whether the estimated receipts from the customs during the last year in fact equalled the amount which the commercial transactions of the year, under ordinary circumstances, ought to have produced. It is not possible, in such an inquiry, to overlook the very unusual importation of the precious metals during the year, which, according to the statements from the Treasury Department, amounted to $16,572,582, constituting, to that amount, a part of the articles imported in the year free of duty. The reshipment for the same period amounted to $1,676,208, leaving in the country, of the amount imported, $14,896,374—a sum greatly exceeding our annual consumption, which, in addition to the supplies from our own mines, probably falls short of $2,000,000. The excess was doubtless caused by the peculiar condition of the country, in reference to its currency, during the year, and would, under ordinary circumstances, have been imported in goods of various descriptions, for the usual supply of the country, instead of gold and silver. Substracting, then, the two millions from this sum, and the balance from the amount of the articles free of duty, which, as stated, is $55,000,000, it would reduce the annual consumption of goods free of duty, including the precious metals, to $42,103,626; and assuming that the proportion between goods free of duties and those liable to duties to be as that sum is to $47,000,000; and, also, that the excess of the supply of gold and silver imported during the year would, under ordinary circumstances, have returned in that proportion between the dutied and the free articles, it would add to the former $7,133,313, and, of course, increase the receipts from the customs in the same proportion; that is, it would make an addition to them of $2,150,000, and would have raised the receipts from customs during the year from $14,220,000 to $16,370,000; which last, it is believed, may be assumed, at the present rate of the duties, as the probable receipts, under ordinary circumstances, of an export and import trade equal to that of the last year.

Let us now inquire into the causes which may tend, for the last year, to diminish or increase the estimated receipt during the next seven years, and their probable effects in the aggregate, on the income from the customs.

The only cause, as is believed, that will tend to diminish the amount, as far as can now be foreseen, is the gradual reduction of one-tenth every two years, under the act of the 2d March, 1833, till the year 1841, as has been stated. It will be seen, by reference to the statement from the Treasury already given, that this reduction last year, on an importation of $47,000,000 of dutiable articles, amounted to $850,000. If, however, instead of that amount, the importation of such articles had been $54,133,000, as it is assumed they would have been had not the derangement of the currency prevented, the reduction on account of the one-tenth would have increased in the same proportion, and would have, of course, amounted to $975,000.

Against this increased reduction there must be set off a probable gradual increase of the domestic exports of the country, and with them, as a necessary consequence, a corresponding increase of the imports, and with them the receipts from the customs. If we take the last six years, from 1828 to 1834, the last included, the average annual increase of domestic imports in the period is nearly $5,000,000, of which the increase in 1833 was $7,200,000, and, in 1834, $9,600,000, making in the last two years an average increase of $8,800,000; thus shewing a much more rapid increase at the end than at the beginning of the series. If to this fact we add the effect which the decrease of duties under the act of the 2d March, 1833, must have on the exports, the growing demand for the great staples of the country, and the vast amount of fertile and fresh lands brought into market within the last five years in the region most congenial to the growth of cotton, it is believed that it may be safely assumed that the average annual increase of our domestic exports for the next seven years will at least equal $6,000,000. This increase must be followed by a corresponding increase of imports, and with them, as stated, of the receipts from the customs. Assuming that the proportion between the free and dutied articles, in consequence of this increase of imports, will be as has been estimated, it will add to the receipts from the customs an annual increase of $1,000,000, from which, however, must be deducted $59,000 on account of the biennial reduction of one-tenth, which would reduce the increase to $941,000. If this be deducted from the average reduction of one-tenth, as above ascertained, we shall have, taking the two causes together, the increase of the customs, from increased imports, and the decrease from the biennial reduction of one tenth, a decrease of revenue equal to $34,000 annually; making, in seven years, $238,000.

But it must be taken into the estimate that the increase of revenue from the increase of exports is annually added, while the reduction on account of the one-tenth is biennially. Taking this into the estimate, the increase of revenue on account of the increase of the exports over the decrease, on account of the biennial reduction of one-tenth, will in the seven years equal $3,298,500; from which take $238,000, and it will leave an aggregate increase over the decrease of $3,060,500.

This conclusion, however, rests on the assumption that the proportion between the free and dutied articles will remain during the period the same as is estimated for last year; but it is probable that the reduction of the price of the free articles, in consequence of the repeal of the duties, will greatly increase their consumption, and of course have a corresponding effect in reducing the amount of the dutiable articles, and with them the receipts into the treasury. It is, however, believed to be a safe estimate, that the reduction of the receipts from this cause will be more than counterbalanced by the excess of the increase of income from the increase of exports over the reduction of one-tenth biennially, as has been shown; and that it may therefore be assumed, with reasonable confidence, if no untoward event should intervene, that the average annual receipts from the customs will be equal to the sum of $16,370,000—the sum which the commerce of last year ought to have yielded, as has been shown, under ordinary circumstances.

Your committee will next inquire what will be the probable amount of receipts from the public lands during the period in question. The receipts from that source during the last year, according to a statement from the Treasury, equalled $5,020,940. This, however, probably greatly exceeds the permanent receipts from that source, as it was caused, probably, by the great quantity of rich and valuable land thrown into the market during the year. The receipts of 1833 equalled $3,967,682, and that of the last four years averaged 3,705,405. If we take into consideration with these facts the rapid increase of our population; the steady rise in landed property generally; the vast quantity of lands held by the Government, it is believed to be a safe estimate, that the average annual income from this source, during the period in question, will be at least equal to $3,500,000.

Of the remaining sources of revenue, the bank dividends is the only one that requires notice. They amounted in 1833 to $450,000;[*] and it is probable that they will give an equal annual income till the expiration of its charter, 1836; after which time there will a reduction from the income of the Government equal to the annual dividends; but it is believed by those who are most familiar with the subject, that a retrenchment in the collection of the customs by a reformation of that branch of the administration may be effected, at least equal to this reduction. It costs the Government, it seems, $1,350,000 to collect $14,222,448, which is more than equal to nine per cent; a rate, considering the facility of collecting this branch of the revenue, and the decreased inducement to elude the duties in consequence of the great reduction in the rate of duties, altogether extravagant.

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[*] The amount of dividends for 1834 could not be obtained from the Treasury.

If these calculations should prove correct, the average income of the Government for the next seven years, not including incidental items, will equal $20,320,000, making in the whole period the aggregate sum of $132,240,000; to which, if we add the residue of the Government stock in the United States Bank, amounting to $6,343,400, and which must be paid into the treasury at the expiration of its charter, and the surplus in the treasury on the 31st of December last, which, after deducting, $2,000,000, will amount to $6,695,981. It will give an aggregate sum of $148,679,381; which, divided by seven, will make the average annual sum, subject to the disposition of the Government for the next seven years, amount to $21,239,911.

Such being the probable average annual income and means of the Government for the seven ensuing years, the next question which presents itself for consideration is, what ought to be the average expenditure for the same period?

The expenditure for the year 1834, as taken from the annual report of the Secretary of the Treasury, equals $19,430,373, and for the preceding year $22,713,753; deducting in both cases the payments on account of the public debt. Your committee are, however, of the opinion that these amounts far exceed what ought to be the expenditure on a just and economical scale, and that it may be very greatly reduced without injury to the public service. They also are of opinion, that to this great and extravagant expenditure may be attributed, in no small degree, the disease which now threatens so seriously the body politic. That a just conception may be formed of this extraordinary increase, they have annexed a table of expenditures from the year 1823 to 1833, deducting the payment on account of the public debt; by which it appears that, in this short period of ten years, the expenditure has risen from $9,784,000 to $22,713,000, being an excess in the latter over the former of almost $13,000,000—a sum exceeding by nearly $3,000,000 the whole expenditure of the Government in 1823, excluding, as stated, the public debt; and this, too, during a period of profound peace, when not an event had occurred calculated to warrant any unusual expenditure. Of this enormous increase the greater part occurred in the last three years; in which time the expenditure has risen nearly $9,000,000, which may well account for the present dangerous symptoms.

Your committee have not time to give that minute attention to the expenditures necessary to determine what particular items can or ought to be retrenched; nor do they deem it important, at present, to enter into so laborious an inquiry, even if time did not prevent. It is sufficient for their purpose to assume that the expenditures of 1823 were, at the time, considered ample to meet all the just wants of the Government, and that, so far from being a period distinguished by parsimony, the then administration were thought by many to be unseasonably profuse, and were accordingly the objects of systematic attacks on account of their supposed extravagance. Assuming, then, the expenditure of $9,784,000 to have been ample at that period, the question which presents itself is, what ought it to be at present, taking into consideration the necessity of increased expenditures in consequence of increased population?

They have already shown that the Government cannot bear a permanent increase of expenditure in proportion to the growth of the population, which may be estimated at about three per cent., without an increase of patronage that must, in its progress, inevitably prove fatal to the institutions and liberty of the country. On this principle, the expenditure, instead of increasing nearly thirteen millions in ten years, as it has, ought to have increased much less than three, and ought not, in the opinion of your committee, to have exceeded two millions at the farthest. Assuming that sum as a liberal allowance, and adding it to the expenditure of 1823, we shall have the sum of $11,784,000 beyond which the present expenditure ought not to have passed, including the pensions; and, excluding them, $10,012,412, instead of $22,713,000, the sum actually expended. Of the items which compose the present expenditure, that for pensions constituted, last year, the sum of $3,341,877. Considering the advanced age of the pensioners, there ought to be, according to the annuity tables, a decrease, by deaths, of fourteen per cent. annually, which, in seven years, would diminish the expenditure on pensions from the sum above mentioned to $1,040,802 annually, giving an annual average deduction of $328,725; and would reduce the expenditure on pensions for the ensuing seven years to an average sum of $2,048,000. Add this sum to $10,012,412, the sum beyond which the present expenditure ought not to extend, excluding the pensions, and we shall have $12,060,412, as what the annual average expenditure for the next seven years ought to be.

Take this from the sum of $21,239,911, which, as has been shown, will be the probable average annual means of the Government for the same period, and it would leave $9,179,499; or in round numbers, for the facility of calculation, nine millions, as the average surplus means during the period at the disposition of the Government, on the supposition that the expeditures will be reduced to the economical wants of the Government.

Having shown what will be the probable surplus revenue, should the expenditure be reduced to its proper limits, the committee propose next to consider whether, under existing circumstances, the revenue can be reduced.

The two great sources of revenue are lands and customs. The others (not including the Post Office, which is a particular fund) are of small amount. After a careful investigation, your committee are of opinion that the act of 2d March, 1833, has reduced the duties on imports, with some exceptions, as far as is practicable under existing circumstances, consistently with the intent and spirit of the act.

The act provides, among other things, that, after the 31st day of December, 1833, in all cases where the duties shall exceed twenty per cent. ad valorem, one-tenth part of such excess shall be reduced, and in like manner, one-tenth part every two years, till the 31st of December, 1839; and that on the 31st of December, 1841, one-half of the residue of such excess shall be deducted; and on the 30th June, 1842, the residue. It also provides that, till the 30th June, 1842, the duties imposed by the then existing law shall remain unchanged, except as provided in the sixth section.

Your committee do not deem it necessary to inquire whether the circumstances under which it passed involves any thing in the nature of a pledge or contract, which would forbid any alterations of its provisions. It is sufficient for their purpose to state the fact that the act is the result of a compromise between great sectional interests, brought into conflict under circumstances which threatened the peace and safety of the country; and that it continues to be the only ground on which the adjustment of the controversy can stand. Under these circumstances, to disregard the provisions of the act would be to open a controversy which your committee hope is closed for ever; a controversy which, if renewed, would do more to increase the power and influence of the Executive than any other event that could occur. With the impression, then, that the provisions of the act cannot be disturbed without endangering the peace of the country, and adding greatly by its consequences to executive patronage, your committee have limited their inquiries to the reduction of the duties on such articles as, by the provisions of the act, are subject to be reduced; and, after a careful investigation, they are of the opinion that all the reductions, which can be effected consistently with the spirit of the compromise, are inconsiderable; and that to make those that might be made would require too much time and investigation to permit it to be done at this session, as will appear by a reference to the letter of the Secretary of the Treasury herewith annexed; but, in order that the subject may be taken up with full information at the next session, they have instructed their chairman to submit a resolution for the consideration of the Senate, directing the Secretary of the Treasury to report, at the commencement of the next session, what duties under twenty per cent. ad valorem may, with a due regard to the manufacturing interests of the country, be repealed or reduced, with an estimate of the probable amount of the reduction.

In turning from the customs to the public lands, your committee find that the difficulty of reducing the revenue from that source is not less considerable than that from the customs. They fully agree in that liberal policy in relation to the public lands, that regards them as the means of settlement, as well as a source of revenue; and that they should be disposed of accordingly, in the manner best calculated to diffuse a flourishing and happy population over the vast regions placed under our dominion; a policy, the wisdom of which is best illustrated by the wonderful success with which it has been accomplished. It is an essential maxim of this noble and generous policy, that the price of public lands should be fixed so low as to be accessible to the great mass of the citizens, and at the same time so high as not to subject them to the monopoly of the great capitalists of the country. Your committee are of opinion that this happy medium is attained by the present price; and, judging from many indications of late, that no considerable reduction can be made in the price without making them the prey of hungry and voracious speculators and monopolists, to the great injury of the honest and industrious portion of the community, as well as to the portion of the country where the lands may be situated. Be this, however, as it may, it is at least certain that the immediate effect of reduction would be to increase, rather than diminish, the revenue from lands, and, of course, to augment instead of reducing the public income.

To this may be added another, and, under ordinary circumstances, conclusive objection against the reduction. The reduction of the price of public lands, while it would act in effect as a bounty to the purchasers from the Government, by enabling them to acquire more land for the same sum of money, would act at the same time as a tax upon the entire body of landholders, who constitute the great mass of our population—a tax on them immeasurably greater than the bounty to the purchasers.

The Government of the United States is in fact the great land dealer of the country, and, as such, has the power, by raising or reducing the price of its lands, to reduce or raise, in a greater or less degree, the value of lands everywhere, and, of course, to effect in the same degree the property of the landholders throughout the Union. To what extent any given reduction of the price of public lands may effect the price of lands generally, would be difficult if not impossible to ascertain. It would be greater or less according to the circumstances. The price of land in the adjacent portion of the country, or that from which emigration principally flowed, would be reduced nearly in the same proportion with that of the public lands; that is, if the price of public lands be reduced one-half, lands adjacent, or lying in the emigrating portion of the country, would generally fall one-half, while the more remote would be less affected, in proportion to distance and the absence of emigration. But it may be safely assumed, taking the whole country, that the actual fall in the value of lands generally, in the hands of the holders, would greatly exceed the actual reduction of the price of public lands. To illustrate: if the price of the latter be reduced one-half, which at present would be sixty-two and one-half cents per acre, lands generally throughout the country would be reduced in value per acre much more than that sum; and if the far greater quantity held by the whole body of land proprietors, compared to the quantity sold by the Government, be taken into the estimate, some idea may be formed how great the aggregate loss of the proprietors generally would be, on any reduction of price, compared with the aggregate gain of the purchasers. As great, however, as it must be, none who know the public spirit and enlightened patriotism of that great and respectable portion of our citizens can doubt their cheerful acquiescence in the sacrifice, should the public interest, or the fundamental maxim which ought to govern in the disposition of the public lands, require it; but, otherwise, it would be a plain and palpable sacrifice of one, and that the largest, portion of the community, to the other, without a corresponding benefit. In presenting this view it is not the intention of your committee to offer any opinion on the propriety of a graduated reduction, as a measure of general policy, in the price of such public lands as have remained long in the market unsold, and of which there is no immediate prospect of making sale at the present price, because of their inferior quality. Their case is very distinguishable from that of the great body of the public lands; but as the immediate effects of such reduction would obviously be, to raise instead of reducing the revenue, and would, of course, increase instead of diminishing the difficulty under consideration.

Having now shown that no other reduction of the revenue can be effected, under existing circumstances, than the progressive reduction already provided for by the act of 2d March, 1833, in either of the great sources of our public income, with the exception already stated, your committee will next proceed to inquire whether executive patronage can be reduced by reducing the expenditures of the Government.

The result of their investigation on this point is, that, for reasons which will hereafter be offered, a reduction of expenditures, under existing circumstances, would tend to increase instead of reducing executive patronage. But if it were otherwise, it would be found utterly impracticable, for reasons already assigned, to reduce the expenditure much below the income. Experience has abundantly proved that, so long as there is a large surplus in the treasury, the interests in favor of its expenditure will ever be stronger than that opposed to it; and that no prudential consideration, arising from the necessity of accumulating funds to meet future wants, or the hazard of enlarging executive patronage, or the danger of corrupting the political and public morals of the country by useless and profuse expenditure, or any other whatever, are sufficient to resist the temptation to expend. If one unworthy object of appropriation is defeated, another, with no greater claims on the public bounty or justice, will ever stand ready to urge its claims, till the frugal and patriotic are wearied out with incessant and useless efforts to guard the treasury. But were it practicable, with an overflowing treasury, to bring the expenditures within proper limits, such is the present condition of things, that, to reduce expenditure would, as has been stated, increase the patronage of the Executive, and that to an extent so great that no object of expenditure can be suggested, having a plausible claim on the justice or bounty of the public, which would tend half so much to increase his patronage as leaving the public money unexpended to accumulate as surplus revenue in the deposite banks.

To realize the truth of this remark, it must be borne in mind that the deposites are under the exclusive control of the Executive; that they are deposited in banks selected by him; that they have the free use of them without compensation to the public, and they may be continued or dismissed as depositories of the public funds at the pleasure of the Executive.

With these facts before us, the result must be obvious. To accumulate a permanent surplus revenue in the banks is, in fact, but to add so much additional bank capital—capital, in this case, exclusively under executive control, without check or limitation; and, with its increasing amount, daily giving to him a greater control over the deposite banks; and, through them, over the banking institutions of the country generally: thus adding the deep and wide-spread influence of the banks to the already almost overwhelming patronage of the Executive.

As the expenditure cannot be reduced, the next inquiry is, whether some object of general utility, in which every portion of the country has an interest, may not be selected as a fixed and permanent object on which to expend the surplus revenue?

Your committee admit, that if such an object of expenditure could be selected, under a well-regulated system of disbursements, established by law, much of the patronage incident to the present loose and unregulated disbursements might be curtailed; but they are at a loss to find such an object. Internal improvement approaches the nearest; but there is opposed to it, with the object in view, insuperable objections. To pass by the formidable difficulty, the long-established diversity of opinion as to its constitutionality, which divides the two great sections of the country, experience has shown that there is no expenditure so little susceptible of being regulated by law; none calculated to excite deeper competition, or to enlist a greater number in its favor, in proportion to the amount expended; and, of course, calculated to add more to executive patronage. To these an additional objection of a recent origin may be added. Your committee allude to the executive veto, as applied to internal improvements, the effect of which has been to increase very considerably his power and patronage in reference to this branch of expenditure. The Executive, in his veto message, assumes the ground that internal improvements may or may not be constitutional, according to the nature of each particular object; the distinction to be determined by him in the exercise of his constitutional function of giving or withholding his approval to acts of Congress; the practical effect of which is to draw within his control the power and influence which appertain, not only to the administration, but also to the enactment of the law; and, of course, to increase, in the same degree his influence and patronage in reference to internal improvements.

In making these remarks, the object of your committee is not to call in question the motive of the Executive, or his right to draw what distinction he may think just and right in the exercise of his veto power, or the correctnes of the distinctions in reference to the particular subject under consideration; but simply to exhibit the full extent of the objections to selecting it as the subject on which to expend the surplus revenue—objections, in their nature, incapable of being wholly removed even by an amendment of the constitution, were an amendment practicable.

But if no subject of expenditure can be selected on which the surplus can be safely expended, and if neither the revenue nor expenditure can, under existing circumstances, be reduced, the next inquiry is, what is to be done with the surplus, which, as has been shown, will probably equal, on an average, for the next eight years, the sum of $9,000,000 beyond the just wants of the Government? A surplus of which, unless some safe disposition can be made, all other means of reducing the patronage of the Executive must prove ineffectual.

Your committee are deeply sensible of the great difficulty of finding any satisfactory solution of this question; but believing that the very existence of our institutions, and with them the liberty of the country, may depend on the success of their investigation, they have carefully explored the whole ground, and the result of their inquiry is, that but one means has occurred to them holding out any reasonable prospect of success. A few preliminary remarks will be necessary to explain their views.

Amidst all the difficulties of our situation, there is one consolation: that the danger from executive patronage, as far as it depends on excess of revenue, must be temporary. Assuming that the act of 2d of March, 1833, will be left undisturbed, by its provisions the income, after the year 1842, is to be reduced to the economical wants of the Government. The Government, then, is in a state of passage from one where the revenue is excessive, to another in which, at a fixed and no distant period, it will be reduced to its proper limits. The difficulty in the intermediate time is, that the revenue cannot be brought down to the expenditure, nor the expenditure, without great danger, raised to the revenue, for reasons already explained. How is this difficult to be overcome? It might seem that the simple and natural means would be, to vest the surplus in some safe and profitable stock, to accumulate for future use; but the difficulty in such a course will, on examination, be found insuperable.

At the very commencement, in selecting the stock, there would be great, if not insurmountable, difficulties. No one would think of investing the surplus in bank stock, against which there are so many and such decisive reasons that it is not deemed necessary to state them; nor would the objections be less decisive against vesting in the stock of the States, which would create the dangerous relation of debtor and creditor between the Government and the members of the Union. But suppose this difficulty surmounted, and that some stock perfectly safe was selected, there would still remain another that could not be surmounted. There cannot be found a stock, with an interest in its favor sufficiently strong to compete with the interests which, with a large surplus revenue, will be ever found in favor of expenditures. It must be perfectly obvious to all who have the least experience, or who will duly reflect on the subject, that were a fund selected in which to vest the surplus revenue for future use, there would be found in practice a constant conflict between the interest in favor of some local or favorite scheme of expenditure, and that in favor of the stock. Nor can it be less obvious that, in point of fact, the former would prove far stronger than the latter. The result is obvious. The surplus, be it ever so great, would be absorbed by appropriations, instead of being vested in the stock; and the scheme, of course, would, in practice, prove an abortion; which brings us back to the original inquiry, how is the surplus to be disposed of until the excess shall be reduced to the just and economical wants of the Government?

After bestowing on this question, on the successful solution of which so much depends, the most deliberate attention, your committee, as they have already stated, can advise but one means by which it can be effected; and that is, an amendment of the constitution, authorizing the temporary distribution of the surplus revenue among the States till the year 1843; when, as has been shown, the income and expenditure will be equalized.

Your committee are fully aware of the many and fatal objections to the distribution of the surplus revenue among the States, considered as a part of the ordinary and regular system of this Government. They admit them to be as great as can well be imagined. The proposition itself, that the Government should collect money for the *purpose of such distribution*, or should distribute a surplus for the purpose of *perpetuating taxes*, is too absurd to require refutation; and yet what would be when applied, as supposed, so absurd and pernicious, is, in the opinion of your committee, in the present extraordinary and deeply disordered state of our affairs, not only useful and salutary, but indispensable to the restoration of the body politic to a sound condition; just as some potent medicine, which it would be dangerous and absurd to prescribe to the healthy, may, to the diseased, be the only means of arresting the hand of death. Distribution, as proposed, is not for the preposterous and dangerous purpose of raising a revenue for distribution, or of distributing the surplus as a means of perpetuating a system of duties or taxes; but a temporary measure to dispose of an unvoidable surplus while the revenue is in the course of reduction, and which cannot be otherwise disposed of, without greatly aggravating a disease that threatens the most dangerous consequences; and which holds out hope, not only of arresting its further progress, but also of restoring the body politic to a state of health and vigor. The truth of this assertion a few observations will suffice to illustrate.

It must be obvious, on a little reflection, that the effects of distribution of the surplus would be to place the interests of the States, on all questions of expenditure, in opposition to expenditure, as every reduction of expense would necessarily increase the sum to be distributed among the States. The effect of this would be to convert them, through their interests, into faithful and vigilant sentinels on the side of economy and accountability in the expenditures of this Government, and would thus powerfully tend to restore the Government, in its fiscal action, to the plain and honest simplicity of former days.

It may, perhaps, be thought by some that the power which the distribution among the States would bring to bear against the expenditure, and its consequent tendency to retrench the disbursements of the Government, would be so strong, as not only to curtail useless or improper expenditure, but also the useful and necessary. Such, undoubtedly, would be the consequence, if the process were too long continued; but in the present irregular and excessive action of the system, when its centripetal force threatens to concentrate all its powers in a single department, the fear that the action of this Government will be too much reduced by the measure under consideration, in the short period to which it is proposed to limit its operation, is without just foundation. On the contrary, if the proposed measure should be applied in the present diseased state of the Government, its effect would be like that of some powerful alterative medicine, operating just long enough to change the present morbid action, but not sufficiently long to superinduce another of an opposite character.

But it may be objected that, though the distribution might reduce all useless expenditure, it would at the same time give additional power to the interest in favor of taxation. It is not denied that such would be its tendency; and, if the danger from increased duties or taxes was at this time as great as that from a surplus revenue, the objection would be fatal; but it is confidently believed that such is not the case. On the contrary, in proposing the measure, it is assumed that the act of March 2, 1833, will remain undisturbed. It is on the strength of this assumption that the measure is proposed, and, as it is believed, safely proposed.

It may, however, be said that the distribution may create, on the part of the States, an appetite in its favor which may ultimately lead to its adoption as a permanent measure. It may indeed tend to excite such an appetite, short as is the period proposed for its operation; but it is obvious that this danger is far more than countervailed by the fact that the proposed amendment to the constitution to authorize the distribution would place the power beyond the reach of legislative construction, and thus effectually prevent the possibility of its adoption as a permanent measure; as it cannot be conceived that three-fourths of the States will ever assent to an amendment of the constitution to authorize a distribution, except as an extraordinary measure, applicable to some extraordinary condition of the country like the present.

Giving, however, to these and other objections which may be urged, all the force that can be claimed for them, it must be remembered the question is not whether the measure proposed is or is not liable to this or that objection, but whether any other less objectionable can be devised; or rather, whether there is any other, which promises the least prospect of relief, that can be applied. Let not the delusion prevail that the disease, after running through its natural course, will terminate of itself, without fatal consequences. Experience is opposed to such anticipations. Many and striking are the examples of free states perishing under that excess of patronage which now afflicts ours. It may, in fact, be said with truth, that all or nearly all diseases which afflict free Governments may be traced directly or indirectly to excess of revenue and expenditure; the effect of which is to rally around the Government a powerful, corrupt, and subservient corps—a corps ever obedient to its will, and ready to sustain it in every measure, whether right or wrong; and which, if the cause of the disease be not eradicated, must ultimately render the Government stronger than the people.

What progress this dangerous disease has already made in our country it is not for your committee to say; but when they reflect on the present symptoms; on the almost unbounded extent of executive patronage, wielded by a single will; the surplus revenue, which cannot be reduced within proper limits in less than seven years—a period which covers two presidential elections, on both of which all this mighty power and influence will be brought to bear; and when they consider that, with the vast patronage and influence of this Government, that of all the States acting in concert with it will be combined, there are just grounds to fear that the fate which has befallen so many other free Governments must also befal ours, unless, indeed, some effectual remedy be forthwith applied. It is under this impression that your committee have suggested the one proposal; not as free from all objections, but as the only one of sufficient power to arrest the disease and to restore the body politic to a sound condition; and they have accordingly reported a resolution so to amend the constitution that the money remaining in the treasury at the end of each year till the 1st of January, 1843, deducting therefrom the sum of $2,000,000 to meet current and contingent expenses, shall annually be distributed among the States and Territories, including the District of Columbia; and, for that purpose, the sum to be distributed to be divided into as many shares as there are Senators and Representatives in Congress, adding two for each Territory and two for the District of Columbia; and that there shall be allotted to each State a number of shares equal to its representation in both Houses, and to the Territories, including the District of Columbia, two shares each. Supposing the surplus to be distributed should average $9,000,000 annually, as estimated, it would give to each share $30,405; which multiplied by the number of Senators and Representatives of any State, would show the sum to which it would be entitled.

The reason for selecting the ratio of distribution proposed in the amendment is so obvious as to require but little illustration. It is that which indicates the relative political weight assigned by the constitution to the members of the confederacy respectively, and, it is believed, approaches as nearly to equality as any other that can be selected. It may be objected that some States, under the distribution, may receive more and others less than their actual contribution to the treasury under the existing system of revenue. The truth of the objection may be acknowledged, but it must also be acknowledged that the inequality is at least as great under the present system of disbursements, and would be as great under any other disposition of the surplus that can be adopted.

But as effectual as the distribution must be, if adopted, to retrench improper expenditure, and reduce correspondingly the patronage of the Government, yet other means must be added to bring it within safe limits, and to prevent the recurrence hereafter of the danger which now threatens the institutions and the liberty of the country; and, with this view, your committee have reported a bill to repeal the first and second sections of the act to limit the term of certain officers therein named, passed 13th May, 1820; to make it the duty of the President to lay before Congress, on the 1st of January next, and on the 1st of January every four years thereafter, the names of all defaulting officers and agents charged with the collection and disbursements of the public money, whose commissions shall be vacated from and after the date of such message; and also to make it his duty, in all cases of nomination to fill vacancies occasioned by removal from office, to assign the reason for which said officer may have been removed.

The provisions of this bill are the same as those contained in bill number 2, reported to the Senate on the 4th May, 1826, by a select committee appointed to "inquire into the expediency of reducing the patronage of the Government of the United States," and which was accompanied by an explanatory report, to which your committee would refer the Senate; and, in order to facilitate the reference, they have instructed their chairman to move to reprint the report for their use.

But the great and alarming strides which patronage has made in the short period that has intervened since the date of the report, has demonstrated the necessity of imposing other limitations on the discretionary powers of the Executive; particularly in reference to the General Post Office and the public funds, on which important subject the Executive has an almost unlimited discretion as things now are.

In a Government like ours, liable to dangers so imminent from the excess and abuse of patronage, it would seem extraordinary that a Department of such vast powers, with an annual income and expenditure so great, and with a host of persons in its service, extending and ramifying itself to the remotest point and into every neighborhood of the Union, and having a control over the correspondence and intercourse of the whole community, should be permitted to remain so long without efficient checks or responsibility, under the almost unlimited control of the Executive. Such a power, wielded by a single will, is sufficient of itself, when made an instrument of ambition, to contaminate the community, and to control, to a great extent, public opinion. To guard against this danger, and to impose effectual restrictions on executive patronage, acting through this important Department, your committee are of the opinion that an entire reorganization of the Department is required; but their labor, in reference to this great subject, has been superseded by the Committee on the Post Office, which has bestowed so much attention on it, and which is so much more minutely acquainted with the diseased state of the Department than your committee can be, that it would be presumption on their part to attempt to add to their recommendation.

But, as extensive and dangerous as is the patronage of the Executive through the Post Office Department, it is not much less so in reference to the public funds, over which, as has been stated, it now has unlimited control, and through them, over the entire banking system of the country. With a banking system, spread from Maine to Louisiana; from the Atlantic to the utmost West; consisting of not less than five or six hundred banks, struggling among themselves for existence and gain; with an immense public fund, under the control of the Executive, to be deposited in whatever banks he may favor, or to be withdrawn at his pleasure; it is impossible for ingenuity to devise any scheme better calculated to convert the surplus revenue into a most potent engine of power and influence; and, it may be added, of peculation, speculation, corruption, and fraud. The first and most decisive step against this danger is that already proposed, of distributing the surplus revenue among the States, which will prevent its growing accumulation in the banks, and, with it, the corresponding increase of executive power and influence over the banking system. In addition, your committee have reported a bill to charge the deposite banks at the rate of ——— per cent. per annum for the use of the public funds, to be calculated on the average monthly deposites; to prohibit transfers, except for the purpose of disbursements; and to prevent a removal of the public funds from the banks in which they are now, or may hereafter be deposited, without the consent of Congress, except as is provided in the bill. The object of the bill is to secure to the Government an equivalent for the use of the public funds; to prevent the abuses and influence incident to transfer warrants; and to place the deposite banks, as far as it may be practicable, beyond the control of the Executive.

In addition to these measures, there are, doubtless, many others connected with the customs, Indian affairs, public lands, army, navy, and other branches of the administration, into which, it is feared, there have crept many abuses, which have unnecessarily increased the expenditures and the number of persons employed, and, with them, the executive patronage; but to reform which would require a more minute investigation into the general state of the administration than your committee can at present bestow. Should the measures which they have recommended receive the sanction of Congress, they feel a strong conviction that they will greatly facilitate the work of carrying accountability, retrenchment, and economy, through every branch of the administration, and thereby reduce the patronage of the Executive to those safe and economical limits which are necessary to a complete restoration of the equilibrium of the system, now so dangerously disturbed. Your committee are deeply impressed with the necessity of commencing early, and of carrying through, to its full and final completion, this great work of reform.

The disease is daily becoming more aggravated and dangerous; and, if it be permitted to progress for a few years longer, with the rapidity with which it has of late advanced, it will soon pass beyond the reach of remedy. This is no party question. Every lover of his country and of its institutions, be his party what it may, must see and deplore the rapid growth of patronage, with all its attending evils, and the certain catastrophe which awaits its further progress, if not timely arrested. The question now is not how, or where, or with whom, the danger originated, but how it is to be arrested; not the cause, but the remedy; not how our institutions and liberty have been endangered, but how they are to be rescued.

Statement of the receipts into the Treasury of the United States, during the year 1833.

	RECEIPTS.						
Year.	Customs.	Lands.	Dividends on bank stock.	Sales of bank stock.	Incidental items.	Post Office.	Aggregate receipts.
1833.	$29,032,508 91	$3,967,682 55	$474,985 00	$135,300 00	$337,949 79	$2,718,848 00	$36,667,274 25

Statement of the expenditures of the United States, during the year 1833.

	EXPENDITURES.					
Year.	Civil list, foreign intercourse.	Military service, including internal improvements.	Naval service, and for gradual improvement of the navy.	Public debt.	Post Office.	Total expenditures.
1833.	$5,716,245 93	$13,096,152 43	$3,901,376 75	$1,543,543 28	$2,972,091 00	$27,229,389 49

Table showing the persons in the employment and pay of the Executive Departments of the Government of the United States in the years 1825 and 1833, respectively; specifying the number under each Department.

	1825.				1833.			
	Number of each class.				Number of each class.			
	Civil list, including judicial officers.	Pensioners.	All others.	Total.	Civil list, including judicial officers.	Pensioners.	All others.	Total.
Department of State -	165	-	260	425	186	-	270	456
Treasury -	185	-	*1,359	1,544	183	-	3,641	3,824
War -	60	16,726	10,890	27,676	119	38,347	16,722	55,069
Navy -	22	643	6,892	7,557	29	489	8,784	8,813
Post Office -	41	-	18,534	18,575	80	-	31,837	31,917
Aggregates -	473	17,369	27,935	55,777	597	38,836	61,254	100,079

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* Owing the destruction of the Treasury building by fire, in 1833, the number of persons employed in the revenue cutters in the year 1825 cannot be ascertained. The number for this service in 1833 is 453.

Statement of the expenditures for the support of the Government of the United States, (including payments on account of pensions, and exclusive of payments on account of the public debt,) from the year 1823 to the year 1833.

Year.		*Amount.*	*Year.*		*Amount.*
1823	-	$9,784,154 59	1829	-	$12,659,490 62
1824	-	10,328,141 71	1830	-	13,229,533 33
1825	-	11,490,459 94	1831	-	13,864,067 90
1826	-	13,062,316 27	1832	-	16,516,388 77
1827	-	12,653,095 65	1833	-	22,713,755 11
1828	-	13,296,041 00			

From the Secretary of the Treasury, on the subject of the duties and the amount of revenue from impost and public lands.

TREASURY DEPARTMENT,
January 26, 1835.

SIR: In reply to yours of the 24th instant, I have the honor to submit a list of all the articles which now pay an ad valorem duty, supposed to be less than twenty per cent.

Annexed is another list of all articles which now pay a specific duty; but very few of which, it is believed, if that duty was computed ad valorem, would be introduced at less than twenty per cent. But, on this point, no great certainty can be attained, as the specific duty would probably be more or less than twenty per cent. in sundry cases, on the same article at the same date, as the invoice price of it, when purchased and imported from different places, might show a different value, cost, &c., attached to the same description of merchandise. By a correspondence with some of the large ports, however, and a few weeks' delay, a calculation could be made of the rate of per centage on the articles paying specific duties during any particular period, and the result, when ascertained, could be communicated to the committee, provided it would not be too late, and they request it to be done.

In respect to the next inquiry, as to the reduction or repeal of duty, "having a due regard to the manufacturing interest," which would be made on the articles ascertained to pay less than twenty per cent., I would observe that, in order to answer this with any great degree of accuracy, it must first be decided which of the articles now paying specific duties ought to be included in those paying less than twenty per cent. But taking it for granted that none of them, of much importance, should be so included, the list of articles already ascertained to pay less than twenty per cent. consist in part of such that, undoubtedly, the duty on that part might be wholly repealed without affecting materially any domestic manufacture in this country. Those articles included in that part consist chiefly of almond paste, amber and composition beads, balsams, cosmetics, Brazil pebbles, Bristol stone, calomel, tartar emetic, gold lace, and various essential oils. But the amount that the revenue would probably be annually diminished by such reduction must be very trifling, not exceeding in all, it is estimated, over sixty thousand dollars. The residue of the articles which are ascertained to pay less than twenty per cent. are such that the reduction or repeal of the duty on them would probably be deemed to affect, more or less, some interest, either agricultural or manufacturing. But without a thorough and somewhat extensive inquiry into facts, so as to see whether any particular manufacture with which they compete or are connected could be carried on successfully after a total repeal or further reduction of the present duty, any estimate or opinion would be very uncertain and of little value. Such an inquiry, however, will be instituted, and the results presented at the earliest day practicable, if the committee desire it.

My present impressions are, that, on those articles, with the exception of the different kinds of clothes, linen, woollen, silk, and hair, and, with the exception of the manufacture of lead, the duties on which could not probably be reduced at present with propriety, a reduction could be made in respect to some of them, and in a few cases an entire repeal might take place without material injury. But the whole duties now collected on the others would not be found to be so large as to make a small reduction of them in some cases, and an entire repeal of them in others, very important in their bearing on the whole amount of our annual revenue.

It is believed, from the best data now in possession of the Department, that any judicious reduction on the others would not annually be likely to exceed two hundred thousand dollars.

It is an important circumstance, in connexion with this subject, that the whole value of articles paying ad valorem duties, whether above or below twenty per cent., has fallen rapidly under the present tariff, as in 1832 it exceeded fifty-two millions, in 1833 was about forty-nine millions, and in 1834 fell to about thirty-four millions. Indeed, although our whole importations during the last three years have so greatly increased, yet those paying duties of any kind, ad valorem or specific, have diminished from about sixty-three millions in 1832, to about fifty-five millions in 1833, and, as far as ascertained, to only about forty-seven millions in 1834.

The amount of the sales of land in the fourth quarter of 1834, as requested in the note added the 24th instant, to your letter of the 10th instant, is ascertained, so far as practicable from the present returns, to have been about $1,944,465; and which, as most of the auction sales are in the last quarter, considerably exceeds the whole sales in both the two previous quarters.

The other inquiry in that postscript, as to the balance in the treasury on the last day of December, 1835, can be answered with considerable accuracy, though the returns are not all yet completed. The nominal balance of money on hand was about $8,695,981, of which the unavailable funds were about $1,150,000, and the appropriations outstanding on the same day, not now subject to be carried to the surplus fund, and not yet paid, were about $7,128,123, leaving an effective balance of $417,858 for any new objects.

Yours, respectfully,

LEVI WOODBURY.
Secretary of the Treasury.

Hon. John C. Calhoun,
Ch'n of Committee on Executive Patronage.

CORRESPONDENCE WITH SPAIN.

Message from the President of the United States, with the correspondence between the Government of the United States and Spain, &c., in compliance with resolutions of the Senate.

In Senate U. S., March 2, 1835.

Washington, *Feb.* 28, 1835.

To the Senate of the United States:

I transmit to the Senate of the United States a report of the Secretary of State, to whom was referred the resolutions of that body, passed on the second and seventeenth days of the present month, together with such portions of the correspondence and instructions requested by the said resolutions as could be transcribed within the time that has elapsed since they were received, and as can be communicated without prejudice to the public interest.

ANDREW JACKSON.

Department of State,
Washington, Feb. 27, 1835.

The Secretary of State, to whom was referred a resolution of the Senate of the United States of the 2d instant, requesting the President to communicate to that body the correspondence which passed between the Governments of the United States and Spain, through their respective ministers or agents, in the negotiation of the late treaty between the two Governments, together with the instructions given to the minister of the United States, from time to time, in the course of the negotiation, or so much of said correspondence and instructions, or of any other correspondence and instructions during the mission of the present minister to Spain, as may be communicated without prejudice to the public interest; and to whom was likewise referred a subsequent resolution of the same body, passed on the 17th instant, explaining that the resolution passed on the 2d instant requesting the President to communicate to the Senate the correspondence between the Governments of the United States and Spain, in the negotiation of the late treaty between the two Governments, and the instructions connected therewith, was intended to be restricted, and was by the said resolution of the 17th instant restricted to correspondence and instructions during the official term of the present minister of the United States to Spain—has the honor to transmit a copy of all the correspondence that has passed, and all the instructions that have been given during the term alluded to, in relation to the late treaty between the United States and Spain, whether during the negotiation of the said treaty or subsequently, except such parts as it is thought cannot be communicated without prejudice to the public interest; but the Secretary of State has the honor to report to the President, that as the remaining correspondence and instructions requested in the latter part of the resolution first above referred to are of great length, and are pricipally contained in three large volumes, from each of which a transcript can be made by but one person at a time, it is impracticable to have a copy of them prepared before the close of the present session of Congress.

In the meantime, the Secretary of State begs leave respectfully to refer, for a part of the correspondence not now communicated, to a report made by him to the President on the 29th day of January last, upon a reference of a resolution of the House of Representatives of the 22d of that month, which report was accompanied by that portion of the correspondence between the Governments of the United States and Spain which relates to the act of Congress passed on the 30th day of June, 1834, entitled "An act concerning tonnage duty on Spanish vessels," together with extracts from the despatches of the American minister at Madrid, respecting the trade of the United States with the islands of Cuba and Porto Rico.

JOHN FORSYTH.

To the President *of the United States.*

List of papers transmitted with the President's message of the 28th February, 1835, to the Senate of the United States.

1.—Instructions from the Department of State.

Mr. Van Buren	to	Mr. Van Ness,	October 2, 1829.
Same	to	Same,	October 12, 1830.
Same	to	Sama,	February 10, 1831.
Mr. Livingston	to	Mr. Van Ness,	October 17, 1831.
Same	to	Same,	April 25, 1832.
Same	to	Same,	June 8, 1832.
Same	to	Same,	June 12, 1832.
Same	to	Same,	March 24, 1833.
Mr. McLane	to	Mr. Van Ness,	August 27, 1833.
Same	to	Same,	December 5, 1833.
Same	to	Same,	May 28, 1834.
Same	to	Same,	May 29, 1834.
Same	to	Same,	May 29, 1834.

2.—Despatches from the Minister of the United States in Spain.

Mr. Van Ness	to	Mr. Van Buren, with accompaniment,	May 20, 1830.
Same	to	Same, with accompaniment,	July 15, 1830.
Same	to	Same, with accompaniments,	August 25, 1830.
Same	to	Same, with accompaniment,	October 9, 1830.
Same	to	Same, with accompaniments,	Nov. 15, 1830.
Same	to	Same,	Dec. 6, 1830.
Same	to	Same,	Dec. 13, 1830.
Mr. Van Ness	to	Mr. Livingston,	July 1, 1831.
Same	to	Same, with accompaniment,	January 25, 1832.
Same	to	Same, with accompaniments,	February 20, 1832.
Same	to	Same, with accompaniment,	March 20, 1832.
Same	to	Same, with accompaniment,	April 17, 1832.
Mr. Van Ness	to	Mr. Livingston, with accompaniment,	October 6, 1832.
Same	to	Same, with accompaniment,	December 5, 1832.
Same	to	Same,	Dec. 17, 1832.
Same	to	Same,	Feb. 11, 1833.
Same	to	Same,	May 18, 1833.
Same	to	Same, with accompaniments,	June 12, 1833.
Mr. Van Ness	to	Mr. McLane,	Nov. 28, 1833.
Same	to	Same,	Dec. 21, 1833.
Same	to	Same,	Jan. 16, 1834.
Same	to	Same,	Jan. 28, 1834.
Same	to	Same, with accompaniments,	Feb. 18, 1834.
Same	to	Same,	June 28, 1834.
Same	to	Same,	August 6, 1834.
Same	to	Same,	August 11, 1824.
Same	to	Same,	August 14, 1834.
Mr. Van Ness	to	Mr. Forsyth,	October 21, 1834.

Extracts from the general instructions of M. Van Buren, Secretary of State of the United States, to Cornelius P. Van Ness, Envoy Extraordinary and Minister Plenipotentiary of the United States to Spain, dated at Washington, October 2, 1829.

Our citizens have claims upon the Spanish Government which have for a long time engaged the unceasing attention of our diplomatic representatives at the court of Madrid, still remain unadjusted, and continue to be a cause of deep solicitude on the part of the President.

* * A brief allusion to the origin of these claims, and to the course which has been pursued on both sides in the long negotiation they occasioned, may serve to facilitate to you the means of acquiring, from the papers and records of the legation, that information and right understanding of the whole matter which will be requisite in the farther management, and, as it is hoped, the speedy adjustment of the subject.

These claims had their origin in the war which ended in the final overthrow of the Spanish domination on the American continent.

In that, as in all other contests between rival nations, the commerce of neutrals was exposed to continued vexation, and at times became a prey to the exigenices or rapacious injustice of the preponderating party. The first result of the breaking out of the South American revolutionary war was the abolition, by the new States, of that rigid colonial system of interdiction which forbade to foreign commerce all access to the Spanish possessions, and to throw open to the free trade of all nations all their ports in the Gulf of Mexico and the Pacific ocean.

To these foreign commerce was invited by the independents, who, from the earliest stages of the contest, continued to occupy them; and even the Spanish authorities themselves, charged to maintain the last remnants of the power which the mother country still retained in that quarter, so far sanctioned and adopted the principles of public law upon which the former colonial monopoly was abolished in the ports held by the independents, as to declare those which still continued in their possession open to the lawful commerce of neutrals.

During the suspension of the war in 1820, a treaty was concluded between Generals Morillo, as the agent of Spain, and Bolivar, as the representative of the Spanish South American States, by which, it was agreed that, in the event of the renewal of the contest, it should be conducted upon the same principles as a war between independent nations, and not on that upon which Spain had placed it in the first instance. In 1821 the contest was renewed in Venezuela, with redoubled vigor and equal obstinacy, but with success so unequal that the independents were, after a short period, in possession of nearly all the posts on the southern coast of the Gulf of Mexico. Spain being then unable to continue the war in the field, General Morales, in 1822, had recourse to a system of paper blockade, and of interdiction of all neutral commerce, as had also been done by General Morillo in 1815. A swarm of privateers, the equipment of which was authorized by Spanish commissions, issued from the ports of Puerto Cabello and Puerto Rico, and joined the freebooters of Cuba in an atrocious and savage warfare against neutral commerce, and in making indiscriminate capture and plunder of vessels of all nations.

These were subsequently condemned in Spanish ports by prize courts illegally organized for that express purpose, or by the sole authority of some military commander, upon various and unfounded pretences, including alleged violations of blockades, and decrees interdicting commerce with the colonies of Spain. Against these condemnations and the absurd declarations upon which they were founded, the Government of the United States, together with those of Great Britain and the Netherlands, entered formal protests through their naval commanders, who insisted upon the illegality of a blockade embracing a line of coast of four hundred leagues in extent, with no other means of enforcing it than a naval force scarce sufficient to invest a single one of its numerous ports, and denied the extraordinary pretensions of the Spanish authorities, of subjecting the revolted colonies to the former system of commercial interdict, after what had taken place, and the change in their condition which had been thereby effected. To protect the lawful commerce of neutrals against these illegal measures, and the piratical depredations for which they served as a pretext, Great Britain issued orders to her naval forces in those seas, not only to repress them, but also to make reprisals upon Spanish property; while the United States, pursuing the even tenor of their mild policy and pacific views, confined themselves to the protecting provisions of the act of Congress of the 3d of March, 1819, authorizing the President to instruct our naval commanders to take any armed vessel which should have attempted or committed any piratical aggression, search, restraints, depredation, or seizure, upon any vessel of the United States or the citizens thereof, or upon any other vessels; and also to retake any vessel of the United States which may have been unlawfully captured upon the high seas.

Notwithstanding these protecting measures, the commerce of all nations, but particularly that of our citizens, by whom the trade with the Spanish main was principally carried on, was for a long time exposed to the rapacity of the naval commanders of Spain, the depredations of the privateers commissioned to aid them in the execution of these illegal measures, and to the brutal avarice and savage plunder of the freebooters, who, under color of Spanish authority, infested the West Indian seas, and robbed with impunity the unoffending and defenceless citizens of the United States.

For these injuries they have an undoubted and undeniable right to claim full indemnity from the Government of Spain—a right founded upon principles of public law, which declare as illegal the absurd measures by which these injuries have been attempted to be justified—a right which was asserted from the commencement by the spirited protest of our naval commanders as well as by the mild but firm provisions of the act of 1819, which we never have abandoned, and which we claim in common with other Powers, but particularly Great Britain, to whom full satisfaction and indemnity have been given for injuries of the same nature.

In April, 1823, Mr. Nelson, who had been appointed envoy extraordinary and minister plenipotentiary of the United States to Spain, with full power to settle all subjects of difference between the two countries, was especially instructed to present to the Government of his Catholic Majesty the claims of citizens of the United States arising from the injuries above referred to.

Immediately upon his arrival at Madrid he addressed to the Minister of Foreign Affairs a note dated the 23d January, 1824, in which he entered into a full statement of the origin and history of those claims, and demanded a speedy and satisfactory adjustment of them, and the payment of full indemnity for all losses sustained by citizens of the United States in consequence of the illegal measures of the Spanish officers commanding in America. To this note no answer was returned by the Spanish Government, notwithstanding the repeated and urgent applications, verbal and written, made by Mr. Nelson, to obtain a prompt decision; but at an interview which he had with Count Ofalia, the Minister of Foreign Affairs, in April following, he was told that the Spanish Government, unable to find at Madrid any information on the subject of those claims, had, upon the receipt of Mr. Nelson's notes, sent instructions to the Havana to inquire into the subject complained of; that no positive information had yet been received, but that the reports which had been made contained very different accounts from those furnished to the American Government. *That the seizures of American property were justified, not upon the existence of any colonial monopoly, but on the ground that the articles seized consisted of contraband goods, so declared by the existing treaty between Spain and the United States.*

Count Ofalia further observed that Spanish subjects had also large claims against the Government of the United States, arising from losses sustained by them in consequence of expeditions fitted out in the ports of the United States. He declared that Spain was ready to arrange all matters in dispute upon principles of justice and fairness, and promised that he would soon express in writing the views of his Government, so far as the information within his reach would enable him to do so. It is important to remember that at this interview Count Ofalia virtually abandoned one of the grounds upon which the capture of American property had been authorized by the Spanish authorities, by stating expressly that such captures were not made in consequence of any colonial monopoly retained by Spain after the breaking out of the civil war in her American provinces, but simply upon the ground of the blockade of the Spanish main, when the cargoes consisted of articles of contraband, as declared by the existing treaty.

In May following, Mr. Nelson, at another interview with Count Ofalia, again renewed his application for an answer to his former notes, and was again dismissed with promises of speedy attention to the subject, and given to understand that the new minister, then about to be sent to Washington, would have the subject committed to him, and that instructions would be prepared to that effect. * * * * * * *

To Mr. Salazar, who succeeded Count Ofalia *ad interim*, Mr. Nelson renewed his urgent application in a tone calculated to acquaint him with the degree of sensibility with which the subject was viewed by the American people; and when, in a very short time after, Mr. Zea Bermudez was placed at the head of the Spanish ministry, he was found by Mr. Nelson as wholly uninformed of the subject as his predecessors, but also ready in his promises to give his early and earnest attention to Mr. Nelson's notes, and to furnish him, without loss of time, with the views of the Government thereon. These delays were continued until November, 1824, when Mr. Nelson was at last informed that Mr. Heredia had been appointed minister to the United States, with directions and instructions to enter in-o negotiation with the Government at Washington, and with full powers to adjust all matters of difference growing out of captures made upon American commerce in the West Indies.

The anticipations which had grown out of these promises of the Spanish Government were not realized. In July, 1825, Mr. Nelson was informed, at an interview with Mr. Zea Bermudez, that Mr. Heredia, the newly appointed minister to the United States, had, in consequence of the delicate state of his health, been excused by his majesty from serving on that mission; that another person had, however, been appointed in his place; but that the Government of Spain, impelled by views of economy, had determined to invest him with the inferior rank of minister resident, instead of that of envoy extraordinary and minister plenipotentiary, which had been conferred upon Mr. Heredia. That the difficulty attending the settlement of differences abroad had induced the Spanish Government to remove it to Madrid, while all preparatory steps might be made at Washington, and that he wished the Government of the United States would authorize their minister near that of Spain to treat on the subject of American claims, whose simple character might easily be embraced in his regular instructions, whilst those of Spain would be more complex, and require renewed and repeated instructions, which would prolong and embarrass the negotiations. * * * *

In April, 1825, Mr. Everett, then recently appointed to succeed Mr. Nelson at Madrid, was instructed again to bring the subject of indemnities before the Spanish Government, and to remonstrate against the neglect of Mr. Nelson's notes, and the spirit of procrastination which had marked every measure of the ministers of his Catholic Majesty.

With regard to the alleged claims of Spanish subjects upon the Government of the United States, although it was not known of what nature they could be, Mr. Everett was authorized to stipulate for the payment of all such as might be substantiated in the negotiation which he was instructed to commence, relative to the indemties due by Spain to the citizens of the United States.

The first attempt made by Mr. Everett on his arrival in Spain to enter upon the subject, was met by the indication of a disposition, on the part of Mr. Zea Bermudez, to advance towards a settlement of the matter. At his repeated request Mr. Everett prepared a note, which, however, owing to another change in the Spanish ministry, was, on the 6th of November, 1825, delivered, not to Mr. Zea, but to his successor, the Duke del Infantado, whom Mr. Everett found entirely ignorant of the subject, and, like all those who had gone before him, wholly unprepared to receive any proposition for an adjustment. So hopeless, indeed, did the task then appear, of bringing matters to a satisfactory issue, that Mr. Everett, in his despatches to this Department, written at that time, did not hesitate to recommend measures of reprisal as the only means of redress left to the United States.

At an interview with the Duke del Infantado, in November, 1825, Mr. Everett proposed, as the basis of an arrangement, a convention similar to the one concluded in 1823 between Spain and Great Britain, providing for the payment to the latter of indemnities due by the former for spoliations upon British commerce, similar in their nature to those for which the United also asked to be indemnified. Mr. Everett's proposition was declined by the Duke del Infantado, upon the ground that the agreement contained in the convention referred to had been extorted from Spain during a season of embarrassment, and when she could not well resist the demands of Great Britain.

In May, 1826, the Duke del Infantado, who had from the time of his appointment manifested a disposition to bring the subject to a close, and who excused himself for his delay in entering upon it on account of his other engagements, suggested the appointment of two commissioners, who would be charged to carry on the negotiations with Mr. Everett; and having been assured that this project had Mr. Everett's entire approbation, he subsequently informed him that Messrs. Heredia and Salmon had been appointed to that effect.

The minister of the United States, anticipating the most favorable results from this measure, lost no time in inviting the commissioners to a conference, in order to enter upon the discussion of the subject confided to them; but they were found unprovided with instructions, and wholly unprepared to receive the propositions which he had intended to submit for their consideration.

In August, 1826, another change of ministry put an end to the hopes of success which had grown out of the appointment of Messrs. Heredia and Salmon; and the latter was appointed to succeed the Duke del Infantado. The new minister, who, like his predecessors, professed a sincere desire to conclude an arrangement, caused a statement of the case to be prepared and laid before the Council of State, with every indication of a determination to bring the subject to a final adjustment. This step, like all others, proved but a new mode of procrastination, which baffled every attempt made by Mr. Everett, in his applications either to the minister or to the King in person, to hasten the tardy steps of the Council of State, until convinced of their uselessness, and believing that the system of solicitations, which he had that far pursued, had arrived at a point where the dignity of this country required that he should stop, he had determined to suspend it until some circumstance should occur more favorable than those under which his unceasing and urgent applications had been made.

At last, in January, 1828, the subject was put at rest by a note from Mr. Salmon announcing that his Catholic Majesty, after due consultation, found himself under the necessity of declining the proposition made by the Government of the United States to conclude a convention for the settlement of indemnities.

That the grounds upon which his Majesty founded his decision were the power incident to his right of property in the Spanish colonies to exclude foreign commerce from their ports, and to persevere in enforcing the restrictive system, which he never had revoked, and upon which were founded the acts of General Morales, authorizing the capture of foreign vessels violating that system, and against which no argument that Mr. Everett had produced appeared convincing either to his Majesty or to his council. Mr. Salmon goes on to state that the citizens of the United States were aware of these prohibitions, as well as of those contained in the treaties of 1795 and 1819, relative to contraband articles, and cannot, therefore, complain of losses to which they voluntarily exposed themselves, and arising from the violation of those treaties. He concludes by stating that the admission of the claims of Great Britain, in 1823, had been extorted from Spain during the short reign of a faction, and was far from being just; but that his Majesty, now restored to the throne of his ancestors, could not agree to a second act of the same nature, which, besides being very burdensome, would open a field for endless claims from other Powers arising from the same causes.

Such have been the proceedings of the two Governments, and such the final answer, which, after a long period of earnest and unceasing solicitations, has been given by his Catholic Majesty to our just demands. With the best disposition to put a favorable construction upon the motives which have guided the conduct of the

Spanish Government, it is impossible not to discover, in its long silence, an unwillingness to deny the justice of our claims; with a determination, however, to use every practicable means to delay a final decision, either for or against them, until every plausible pretext should have been exhausted; when, at last, the minister of the United States is plainly told that his Catholic Majesty, after due consultation, is under the necessity of declining to enter into any arrangement for the settlement of those demands.

This extraordinary decision is the more surprising from the final rejection, which it implies, of claims whose particular merits had never yet been the subject of discussion between the two Governments, no opportunity having before been afforded to the American minister to present them to his Majesty's ministers for a full, fair, and impartial examination. It is not less surprising on account of the injustice and irregularity of returning a direct refusal to admit the claims of the United States as an answer to a proposition to negotiate for the settlement of the mutual claims of the two Governments.

After the emphatic abandonment by Count Ofalia of the untenable ground upon which it had formerly been attempted to justify the seizure of American property as derived from the ancient colonial system of Spain, it had been hoped that no further allusion would be made to a subterfuge which is condemned by every principle of public law and by general usage.

Whatever might have been the right of Spain to prohibit foreign commerce with her colonies, while she retained her dominion over them, this right was expressly renounced from the moment that, by treating with them as independent nations, she ceased to consider them as territories over which her domination could longer be asserted.

The treaty of 1820, between General Morillo on the part of Spain, and General Bolivar as the representative of the independent provinces of Venezuela, and the acts of the Spanish commanders, inviting foreign commerce to the ports in their possession, are formal acts of renunciation of the ancient monopoly retained by the mother country, and have since been solemnly confirmed by the treaty of 1823 between Spain and Great Britain for the payment of indemnities for losses sustained in violation of those acts.

As to the other ground upon which his Majesty founds his decision in relation to the claims of the United States, viz: that of the blockade of the Spanish main, the inadequate means then at the disposition of Spain to enforce it bring it within the description of a paper blockade—a practice now too openly condemned by every settled principle of public law, and by the established opinion and usage of all nations, to require any further illustration. As it is, both the declarations of the Spanish generals, by which the blockade in question was instituted, and the decree of his Majesty of 1822, by which it was raised, serve but to confirm the illegality of the restrictive measure, which constitutes the first ground upon which his Majesty attempts to justify the seizure of neutral property.

If the interdiction of foreign commerce with the revolted Spanish provinces had been legal, no blockade was necessary to give it that character, and the declaration assumes the fact that such trade was, previous to it, free and unrestrained; while the decree of the King, of 1822, which raised said blockade, could have no other effect than that of proclaiming to the world that access to the blockaded coast was thenceforth open to all nations.

The most solemn confirmation, besides, of their provisions, is found in the decree of the 9th February, 1824, by which his Majesty extended to all his dominions in America that freedom of commerce which, by the acts above alluded to, was confined to the southern coast of the Gulf of Mexico.

But even if the grounds upon which his Catholic Majesty has founded his decision were admitted to be correct, the Government of the United States is far from believing that they could furnish a sufficient reason to bar the claims of our citizens. There are many among them which, having grown out of the illegal proceedings of prize courts, or of other authority by which the property was finally condemned, their justice can only be made to appear by a careful and impartial investigation of the circumstances of each case—a labor which ought to have preceded any decision upon their merits, and which it was the desire and intention of this Government to have performed in concert with that of Spain, and in such manner as, upon mutual agreement, would have seemed most convenient to both parties.

Upon a full and deliberate view of all the circumstances above referred to, the President remains convinced that our citizens have a fair, just, and undeniable right to call upon the Government of Spain for full indemnity for the property of which they have been unlawfully and unjustly deprived. His sincere desire that the United States should live in peace with all nations, but particularly with Spain, to whom they are bound by considerations of mutual interests and good neighborhood, incline him to look with indulgence upon the past, and to make liberal allowances for the difficulties with which his Catholic Majesty has had to struggle in regaining the peaceful and undisturbed possession of the throne of his ancestors.

But powerful as may be the influence of these considerations upon his mind, his duty to his country and to his injured fellow-citizens, as well as his own sense of justice, leave him no alternative but that of availing himself of all the means which the constitution has placed in his hands to obtain prompt and full redress for the violated rights of our citizens. He cherishes a hope that his Catholic Majesty, aided by better counsels and influenced by more friendly sentiments towards the United States, has become sensible of the untenable nature of the position assumed by his Government in regard to the just demands of our citizens, and that his own sense of justice will prompt the spontaneous adoption, on his part, of measures of reparation already too long delayed, which are demanded by considerations of strict equity, and are alone consistent with that friendly intercourse which it is the interest of both Governments to cultivate and improve.

One of your first duties, therefore, on reaching your destination, will be to call the attention of his Majesty's Government to this important subject of difference between the two nations, and to express, in the firm and dignified tone which becomes the subject, the opinion of the President that no further delay to a final adjustment of the matter can be acquiesced in by the United States. It is due to the character of his Catholic Majesty to believe that the answer given to your immediate predecessor, and announced as the final decision of his Majesty, must have been founded upon a misconception of the true merits of the claim, and that the subject did not receive from his ministers that full investigation which can alone unfold those intricacies of detail which, in such matters, constitute the sole merit of individual cases. It is in that view of the subject alone that an apology is to be found for a refusal to respond to the claims of a friendly Power, on grounds which are not only at war with the established principles of public law, and contradictory of the repeated admissions and concessions of the party making them, but which, admitting all that is alleged, fall short of meeting the claims against the adjustment of which they are interposed.

The President therefore expects that, upon your application, his Majesty's Government will not hesitate to enter upon a reconsideration of the subject, and show itself disposed to receive, in a conciliatory spirit, the liberal propositions which he directs you to submit for its serious consideration.

The experience of the United States, whose lot it has been frequently to settle matters of this kind with foreign nations, enables them to suggest what to them, and it is believed to Spain herself, would prove the easiest and most acceptable modes of settlement. Two present themselves, either of which this Government would consent to adopt, giving, however, the preference to the first; which would consist of the payment by Spain to the United States of a gross sum, sufficient to cover all just claims presented and fairly substantiated by our citizens, to be received in full payment of all demands upon that Government, and to be afterwards distributed among the claimants, upon principles of equal justice, by the United States, or in such a manner as may be agreed upon by the parties.

The mode which would constitute the second choice of this Government would be, the appointment of a mixed commission, composed of an equal number of citizens of both countries, to sit at such a place as would be deemed most convenient for procuring the best information and evidence, and for bringing the matter to a speedy issue; to admit such claims as will appear to them founded in justice, and to reject such as may not constitute a fair title to indemnity.

The President authorizes you to propose either of these two modes, always giving preference to the first, as the basis of a convention to be concluded with his Catholic Majesty. Of the former, the eleventh article of the treaty of 1819, with Spain, will afford a model, subject to the necessary alterations, if the distribution is left exclusively to the United States; and it is hoped that the Spanish Government, who, on that occasion, was made sensible of the advantages afforded by this mode of adjusting intricate claims, will again feel disposed to agree to it. Should the second mode be preferred, you will find in the sixth article of our treaty of 1794, with Great Britain, all the necessary data to enable you to proceed with safety in draughting the provisions of a convention.

Should neither of these modes prove acceptable to the Government of his Catholic Majesty, the President of the United States is not so far partial to any particular scheme, merely involving matters of detail, as to oppose any other course which would be preferred by the Spanish Government, provided it secured the rights of the citizens of the United States.

Should, therefore, any other process of adjustment be proposed to you, you are authorized to receive it, as a third alternative, for reference to your Government; and to assure that of his Catholic Majesty that the President is disposed, in a spirit of accommodation and mutual good will, to meet every reasonable predilection entertained by the King of Spain for any course which will not abridge the rights of his fellow-citizens. These last considerations should not, however, be suggested until all other means have failed, for fear they might be seized upon by Spain for the purpose of further procrastination.

It has been intimated to our minister at Madrid, in the course of the correspondence which has grown out of this transaction, that the subjects of his Catholic Majesty had also claims upon the United States, which his Government intended to bring forward, to be embraced in the settlement which at one time was promised to us. As the nature of these claims has never been defined, and as this Government is, therefore, ignorant of their merits, it is impossible to express any opinion concerning them; but the President, impelled by his own sense of justice, and convinced that the true interests of the United States can but be promoted by dealing openly and fairly with all nations, and by granting full reparation for any injuries of which the United States or their citizens may have been the cause, will readily consent that the negotiation should embrace any just claims by Spain upon this Governmennt, the amount of which would be deducted from whatever sum of indemnity will utimately be found payable to us on account of the demands preferred by our citizens.

It will not escape your observation that the mutual claims of the two Governments for indemnities prior to 1819 were adjusted by the treaty of Washington; and that, consequently, no claims arising from acts anterior to that period can be exhibited on either side.

Mr. Van Buren to Mr. Van Ness.—[Extract.]

[No. 19.] Department of State,
Washington, October 13, 1830.

The President concurs in your views as the propriety of pressing the adjustment of our claims upon Spain with the greatest earnestness.

The injustice we have received, and the character of the delay in affording us redress, will justify any severity of animadversion which is consistent with self-respect and the courtesies of diplomatic intercourse.

Your general instructions upon this point are sufficiently explicit, and I will only remind you that the measures proper to be adopted by this Government, in the event of a perseverance in injustice on the part of Spain, belong to the consideration of a distinct branch of the Government, and that it behooves the Executive so to discharge its appropriate duties as to leave that other branch to the free exercise of its discretion, unembarrassed by executive declarations, which, if they should not be carried into effect, might wear the appearance of a disregard of the national honor. There will be no difficulty in the way of your satisfying the Spanish Government of the determination of the President to bring this matter to a close, without transgressing the limit to which I have referred.

The President would approve of the acceptance of a gross sum, provided that sum should be a reasonable approach to the nominal amount of the claims. He does not think that, under the circumstances of the case, this Government ought to insist on the uttermost farthing that might be found due to our citizens, but he cannot give you precise instructions upon that point: First, because, after a diligent search, no list of the claims can be found in this Department. It appears that one has been sent to the legation of the United States at Madrid, but that no copy has been retained. Secondly, because the lowest amount which it would be proper to accept must depend so much upon circumstances which can alone be judged of at Madrid, upon a view of the whole matter, including the apparent disposition of that Government, that he can only authorize you to receive a proposition to that effect, for reference to your own Government, with an assurance, on your part, that the views of the President will be found to be liberal, and under the control of a sincere desire, on his part, to preserve and improve the friendly relations and the most harmonious intercourse between the United States and Spain.

The list of claims on the files of the legation, and a reference to the reciprocal abandonments made by the treaty of 1819, for the cession of Florida, will enable you to discuss the matter understandingly with the Spanish authorities, as to the amount which they ought to offer, with a prospect of its acceptance by us.

The Spanish Government cannot make any reasonable objection to this course, as the duty to make an offer at all times devolves, of right, on those who desire to commute for a sum which falls short of that which might, in strictness, be insisted upon.

I am charged by the President to express his great satisfaction with the manner in which you have placed this subject, as well as that of our commercial relations, before the Spanish Government.

Mr. Van Buren to Mr. Van Ness.—[Extract.]

[No. 20.] Department of State,
Washington, February 10, 1831.

Sir: The memorial of which the enclosed is a copy has been addressed to this Department by Mr. N. G. Snelling, and other respectable merchants and ensurance companies of Boston, on the subject of a claim which they have upon the Government of Spain, growing out of the capture by a Spanish privateer, in 1823, of the brig Otter and her cargo, and of certain judicial proceedings in the Spanish prize courts; in consequence of which, notwithstanding a final sentence of restitution by the higher tribunal at Principe, Cuba, a considerable loss has accrued to them. The memorial so fully sets forth the circumstances of this claim, that it is unnecessary for me to enter into a detail of its merit. On the perusal of that document you will no doubt be fully impressed with the fairness of the demand it makes for complete indemnity, and the necessity of including the claim it exhibits in the general settlement, which is now the subject of negotiation between yourself and the Spanish Government.

The President confidently relies upon your well-known zeal, in procuring for this and the other just claims of our citizens that measure of justice to which they have an undoubted right, and which, he hopes, will no longer be delayed by his Catholic Majesty.

Cornelius P. Van Ness, Esq.,
Envoy, &c., to Spain.

Edward Livingston, Secretary of State, to Mr. Van Ness.—[Extracts.]

[No. 28.] Department of State,
Washington, October 17, 1831.

Sir: The answer of Mr. Salmon to your note of the 8th May, 1830, has lately been taken into serious consideration by the President. Its general tenor is that of a refusal to make any compensation for the captures and depredations committed under color of the blockade of the ports of the late Spanish colonies.

It would have been so considered, and the refusal referred to the proper department, to determine how far it was expedient to seek, by reprisal, for that justice which was denied by negotiation and treaty. This would have been done but for one or two passages in the answer, which seem at variance with that conclusion. Doubtful and vague as those passages are, the President's preference for an amicable adjustment to any violent measures, however just, have induced him to use them, as the means of giving to his Catholic Majesty an opportunity of reconsidering the decision which his minister has announced, and making it more conformable to the sentiments expressed on former occasions by the same minister on the same subject, as well as to justice.

The passages to which I allude are as follows: "His Majesty, in conformity with their opinion, (that of his council,) has considered it his duty to confirm his decision not to enter into any convention, which, by admitting the principles alleged by the United States, would subject him to the recognition, *en masse*, of the claims of their citizens, especially as in the present friendly state of the relations between the two countries there is nothing to prevent the claims of each of them from being established and presented individually, or to hinder the tribunals of the kingdom from deciding on them, on view of the proofs that may be presented in their support, with that impartiality that is peculiar to them." And again: "As a proof of this friendly feeling, I have the satisfaction to repeat to your excellency, in the name of his Majesty, that any claim of American citizens against the Government, for injuries done them by cruisers, or for the unlawful detention of their property by the Spanish authorities, will be received and attended to, agreeably to the merit of the cases, respectively."

These two extracts, not very reconcileable with the positive assertion of the right to make the captures in question contained in the same note, seem to hold up the idea that, although the Spanish Government will not provide for the indemnity to our citizens *en masse*, it is ready to do them justice individually.

But all the claims that have formed the subject of discussion between us are founded on the illegality of intercepting our trade with the former Spanish colonies, under some one or other of the pretexts that have severally been set up to justify it. Therefore, whether taken separately or jointly, the note seems to consider them as inadmissible. After ringing all the changes on the topics of justification for their depredations growing out of blockade, contraband, or, finally, an illegal commerce with their colonies, they settle down on the last, and say: "all these captures were justifiable, because the South American States are our colonies, and we have a right to exclude foreigners from their trade—your vessels were taken in the prosecution of that trade, and therefore are good prize." This would be taken as the final decision of the Spanish cabinet, and the President would consider the negotiation as concluded, and would have no other duty to perform than to submit the whole matter to the decision of Congress, if the passages I have transcribed from the note did not give an intimation that the same claims may be allowed, individually, which are considered inadmissible taken together.

Incongruous as this must appear, our wishes to leave no room for the reproach that any offer of amicable adjustment has been neglected, have induced us to make another effort to bring the Spanish Government to a sense of what is due to us and to their own character for frank dealing and justice.

You are therefore instructed, immediately after receiving this despatch, to address a note to the Secretary of State, informing him that you have transmitted a copy of his note to your Government; that, after carefully considering its tenor, the President is unwilling to consider it as a positive refusal to make compensation for vessels and cargoes belonging to citizens of the United States, solely on the ground that they were engaged in commerce with the States of America, formerly colonies of Spain; that a refusal on that ground would be too repugnant to the reasons on which the captures were originally attempted to be justified, too much at war with the assurances and hopes held out to us by the former ministers of his Majesty, and by his present minister on a former occasion, and so totally unsupported by the acknowledged laws of nations, that the President cannot, without making another appeal to the justice of his Majesty, believe that it is his settled determination to persevere in so unfriendly a refusal. That he can the less believe this, because claims to a large amount, founded on precisely the same principles, accruing under the same circumstances, at the same period of time with ours, have, when presented by another Power, been acknowledged to be just, have been liquidated and paid. Nor can he be convinced, without a more positive declaration, that his Majesty's Government has one measure of justice for Great Britain, and another for the United States, once the ally and always the friend of Spain—

an ample measure for claims urged by threats, it is said, of force, and a scanty one for those addressed in a friendly manner to its justice and sense of right; that relying as the President does on his Majesty's intentions to preserve the friendly relations between the two countries, and to concur in our endeavors to strengthen them by new arrangements favorable to the commerce of both, he does not wish to put such a construction on the note of Mr. Salmon as would make it contradictory of those amicable dispositions; and therefore, supposing that the intent may have been only to object to an allowance of all the claims of the United States taken together, but to admit a settlement of such of them separately as shall clearly be shown to be founded on a capture made solely for the fact of being engaged in commerce with the former American colonies of Spain, he has instructed you to ask whether such is the construction that his Majesty's Government puts upon the note, in order that, in the event of an affirmative answer to this question, you may present all the said claims separately for liquidation; but you may add that, in this case, your Government will expect that the full amount of the liquidation will be paid to the claimants, respectively, as their accounts are settled; but that, to avoid expense, delay, and trouble, you are authorized, if the principle be admitted, to receive proposals for a sum to be paid in full satisfaction of all claims; that the convenience of Spain will be consulted as to the time of payment of such sum; and that, to show our friendly disposition, some abatement will be made of the amount of the interest on our just claims.

You will state the obligation which the President is under, from the nature of our Government, to urge the claims of our citizens on the justice of foreign nations; that he is determined, in the performance of this duty, to make no demand that he does not deem founded in clear right, but to prosecute to the extent of his constitutional powers all those that are just; that he has a firm conviction that the claims which are the subject of the present discussion are of this latter description, and cannot but believe that, on farther reflection, his Majesty's Government will come to the same conclusion; and when they do, he relies on their candor to make the acknowledgment, and on their justice to discharge the debt.

But if he should unfortunately err in this, regretting as he most sincerely must do that an object of such comparative insignificance should intercept the harmony and good intelligence between two nations, whose great interests consist in supporting the best intelligence with each other, yet his duty obliges him to instruct you to say that a negative answer to the question you are hereinbefore directed to put must be considered as an unfriendly denial of justice, and must be so stated to the representatives of the nation.

When you urge the argument drawn from a comparison of the advantages to be derived by withholding the payment of this debt with those which will be lost by the interruption of that good understanding which subsists between the two countries, you may observe that, although the same inconvenience would be felt by us from that interruption, and although they may be greater than the pecuniary advantage to be derived from receiving our just dues, yet, were those evils much greater and the demand much less, it could make no difference in the conduct of the Executive on the occasion, because his constitutional duties must be performed, whatever inconvenience may attend their prosecution: whereas the Spanish Government may preserve its friendly relations with a nation desirous to perpetuate and increase its connexions of amity and commerce, at no other expense than that of discharging a debt which, whatever opinion the Government of Spain may have formed, is one that by the rest of the world must be considered as obligatory and just.

It is not deemed necessary that you should again enter into a discussion of the merits of these claims—a reference to them will be sufficient. You will confine your negotiation to obtaining an explicit declaration whether, in the decision of the individual claims, the Spanish Government intend to apply to them the laws regulating their colonial trade.

If such is the intention, it renders the presentation of any particular claim of this nature perfectly nugatory. If it is not their intention, then we ask a clear renunciation of the principle, that it may not be brought up in the discussion of individual cases. On this point you are instructed to press for a speedy answer, in time to make the communication to Congress before its adjournment. Should an answer be delayed beyond the first of February, you will inform the minister that your despatches for your Government must be sent by the middle of that month, and that the omission to answer will be considered as a refusal, and will close the negotiation on this subject.

On the 15th of February (or sooner, if an answer be returned) you will despatch a messenger to Havre or Liverpool with your despatches, to be delivered to our consul at one of those ports, unless a safe opportunity should offer of avoiding the expense of the messenger.

The suggestion of our consent to accept a gross sum for all the claims may be made verbally as well as in writing; and the examples of Denmark, France, and Spain itself, in similar cases, and of Great Britain, in the case of the compensation for the negroes removed after the late war, may be urged as precedents of such compensation.

Should this be listened to, you will furnish an estimate of the demands from the papers in your possession. There are none whatever in the Department that show the number or amount. In the list of papers given to Mr. Nelson, it appears that a schedule of claims accompanied his instructions. This must be in the archives of the legation, from which, and other documents, your estimate must be formed. This, imperfect as it may be, must form the basis on which they may ground their offer. You will also send a copy of the estimate you may form to this Department.

In all your communications, whether verbal or written, you will avoid expressing any opinion of the course that Congress may think fit to pursue, if a refusal of any adjustment should make it necessary for the President to submit the subject to them.

If you apprehend truly the spirit of this instruction, you will perceive that it is the President's intention to bring the question of our merchants' claims to a point. He considers the subject exhausted by the correspondence which has already taken place; and therefore wishes you to avoid further discussion, contenting yourself with a mere reference to former communications made by your predecessors in office and by yourself. * * * Should you find the Government of Spain inclined to made any arrangement of our claims, you will follow your original instructions as to the mode of adjusting them.

You will herewith receive a letter in relation to a demand of indemnity made by Mr. John Leonard, late consul of the United States for the port of Barcelona, which you may present to the Government for their investigation; also, a document lately presented to this Department, which may serve as a supplement to those forwarded in despatch No. 20, in relation to indemnities claimed for the brig Otter.

I am, sir, very respectfully,
Your obedient servant,
EDW. LIVINGSTON.

Cornelius P. Van Ness, Esq.,
Envoy Extraordinary and Minister to Spain.

P. S. Annexed you have the copy of Mr. Everett's letter, in answer to one I wrote to him, requesting information as to the number, amount, and circumstances of the claims. In one of your despatches it was stated that you could discover nothing in the archives of the legation that would enable you to form an estimate of the amount. From Mr. Everett's statement, however, it would appear that all the claims made during the time of his mission were left in the archives.

Whatever be the result of your negotiation on this point, it is requested that you will make out and send to the Department an abstract of all the claims exhibited in your archives, with such observations in relation to them as may occur to you.

Hereafter, no papers will be sent on from the Department without keeping copies, and it is desirable that the like course will be pursued with respect to papers exhibited to you by the parties claiming your interference: that is to say, that copies be preserved, if the originals be sent to the Department, or the originals preserved in the archives if copies only are sent.

E. L.

Mr. Livingston to Mr. Van Ness.—[Extract.]

[No. 31.] Department of State,
Washington, April 25, 1832.

The President has taken into consideration the position of our claims for indemnity. He considers that the circumstances urged by the Spanish Government, as justifying a delay in giving a definitive answer to our demands, are sufficient; and such as, could they have been foreseen, would have produced a relaxation in the tone of your instructions.

You are, therefore, now instructed to say that it never was the intention of this Government to press for a decision under circumstances of manifest inconvenience to that of his Majesty; that the death of the minister who had heretofore principally conducted the negotiation creates such a circumstance; that he has therefore forborne to make the communication to Congress which he would otherwise have found it his duty to do. But he relies on the assurance given by the Government of Spain of a disposition to maintain the friendly relations which subsist between the two countries, and which it would give him, as well as all the citizens of the United States, the greatest concern to see interrupted by the denial of what they are firmly convinced is a just demand.

You must not omit to add, that any unnecessary delay in making such an arrangement as shall satisfy the just expectations of our fellow-citizens will but increase irritations that already exist in the minds of those who have suffered from the aggressions of which we complain, and produce a state of things before the next meeting of Congress that will make an arrangement of our differences more difficult.

You may assure the Count of Alcudea that the decision of the President, to avoid an immediate communication to Congress, which probably would have produced disagreeable results, was induced, in no small degree, by the knowledge he has of his reputation for the talent necessary to the examination of our claims, and for the justice and candor which will induce him to advise their liquidation and payment.

You request instructions as to the form of a mixed commission, if that mode should be preferred by the Government of Spain. In that case you may take for your guide the first, fourth, fifth, sixth, and seventh articles of the convention of St. Petersburg, of the 30th (12) June, (July,) 1822. But the inconveniences of this mode of adjustment are so great and so obvious, that a settlement for a gross sum is much to be preferred, leaving the distribution to the United States.

From the several lists of claims filed, the following abstract has been made, and they are divided into several classes, that their nature may be the more easily referred to and examined. Some of them are not comprehended in the list accompanying your last despatch, but, being found in the Department, are now forwarded to you, with the documents that have been furnished by the parties in support of them.

From these it will appear that the class which I always supposed, from the instructions of my predecessors in office, to have been the most important, viz: captures under an allegation of a breach of the colonial laws, are few and inconsiderable in value.

That the most numerous cases are those for alleged breaches of their revenue laws. That in several of these cases appeals are still pending, until the determination of which, unless unreasonably delayed, the Government of Spain cannot be liable.

That of the miscellaneous claims, many are not such as the Government can urge the payment of, and that no general rule for apportioning a gross sum among all the claimants can apply to those embraced in this class.

It will, therefore, be clear to you that we shall gain very little if the Spanish Government were to give up the principle for which they have been contending, of a right to enforce their colonial laws, since so few seizures have avowedly been made on that ground, unless they should resort to them to cover the seizures of the China, the Carrington, and the Lawrence.

You will also perceive, from this detail, the increased necessity for separating the cases of illegal maritime captures from those of breach of contract; the former embracing, in the general expression, illegal captures and seizures, and losses arising from the neglect or fault of the civil, military, or judicial officer, all the revenue cases, and the latter all other claims whatever. The first to be compensated by the treaty, the last to be excepted from, or not included in its operation, in the terms of the 5th article of our treaty with France; a copy of which is herewith transmitted to you. * *

Mr. Livingston to Mr. Van Ness.—[Extract.]

[No. 32.] Department of State,
Washington, 8th June, 1832.

Mr. Silliman, the special messenger appointed to convey to you my despatch No. 31, and the documents concerning the claims of our citizens against Spain, is directed to await your orders as to his return, and for the purpose of bringing your answer to that despatch. Such of the papers in support of the claims as ought to accompany the latter, and could not be prepared in time for this conveyance, will be sent you soon.

Mr. Livingston to Mr. Van Ness.

[No. 33.] Department of State,
Washington, June 12, 1832.

Sir: I transmit you, herewith, copies of documents in support of the claim of Frost, Jenks, & Co., mentioned in my despatch No. 31, but which could not be prepared in time for that despatch.

I am, respectfully, your obedient servant,
EDW. LIVINGSTON.

Cor. P. Van Ness, Esq.,
Envoy Extraordinary, &c.

Mr. Livingston to Mr. Van Ness.—[Extract.]

[No. 37.] Department of State,
Washington, March 24, 1833.

We have no despatch from you later than your No. 48, dated 17th December last, and are in anxious expectation to know what progress is made in the settlement of our claims. From your detaining Mr. Silliman, great hopes are entertained that you have reasonable prospects of success, as otherwise the expense would not be justifiable. Indeed, the object of sending a special messenger was mainly to convey, with perfect safety, your ultimate instructions, and not with any great hope that you could bring the matter to a conclusion during the period of his stay.

I am, sir, with great respect,
Your obedient servant,
EDW. LIVINGSTON.

Louis McLane, Secretary of State, to Mr. Van Ness.—[Extracts.]

[No. 48] Department of State,
Washington, Aug. 27, 1833.

Sir: Your despatch No. 55, with the accompanying documents, forwarded by Mr. Silliman, was received at the Department on the 18th instant, and on the return of the President to the seat of Government was submitted to his consideration.

I take pleasure in executing the President's instructions to express to you his approbation of your conduct in the negotiation, and his gratification at the prospect your letters afford of speedily concluding it, upon terms which this Government may with propriety accept.

It is matter of surprise, however, that the Spanish Government should have misapprehended the terms of the President's message to Congress at the commencement of the last session, and this misapprehension cannot be too soon corrected.

The Government of Spain could not fall into a more dangerous error on this subject than to infer from any expression in that message the least mitigation in the tone of this Government, or the slightest relaxation in the President's determination rigorously to enforce the claims of our citizens. The terms of that document absolutely exclude such inference, and are, in fact, a practical illustration of the policy of the present Chief Magistrate, by which he has been enabled to accomplish so much for his countrymen in their just demands upon foreign Governments.

The principle early avowed by the President as the basis of his policy in our intercourse with foreign nations, is that of asking nothing that is not clearly right, and of submitting to nothing that is wrong: and a closer investigation of our claims upon Spain was directed, in order that those which were doubtful might not be insisted upon, and that in case Spain continued to withhold payment of such as were just, the measures it would become the duty of the President, not more in accordance with his own sense of duty than with the expectations of the people and of Congress, to recommend, should be clearly justified. Spain, therefore, should see in this message fuller evidence of the feelings and expectations upon the part of the people of the United States; and, on the part of the President, of a determination faithfully and practically to adhere to the great principle of his policy. It is proper, therefore, that you should early make known this view of the subject to the Minister of State for Foreign Affairs, in terms at once explicit and energetic, but respectful.

This will be the more necessary, in order that the further relaxations in the amount of our demand, which you will be now authorized in certain contingencies to consent to, may be considered as the result of compromise, and as proceeding from a sincere desire to preserve relations of amity between the two Governments, so long as that can be done without too great a sacrifice; in order, also, that if these relaxations be not met with a becoming spirit by Spain, the future measures of this Government will be perceived to be the only alternative for the enforcement of our demand.

It is understood by the President from your despatches, public and private, transmitted by Mr. Silliman—

1st. That the claims of the United States upon Spain, to a certain amount, are virtually, and by implication, at least, acknowledged in such a manner as to preclude their future denial by the Spanish Government; and that the amount and mode of payment only remain for adjustment.

2d. That you have proposed and Spain has agreed to satisfy the claims so acknowledged, by the payment of a gross sum in satisfaction of the whole, in preference to the alternative of a mixed commission; which, by your former instructions, had been left at your option. And,

3d. That Spain has offered, as such gross sum, six hundred thousand dollars, to be paid at once in inscriptions of an equal value on the great book of the consolidated debt of Spain, bearing an interest of 5 per cent., as a compensation for all the claims of the United States, whatever may be their origin or description, from the year 1819 to the date of the ratification of the convention, and a relinquishment on her part of all claims whatsoever upon the United States.

This offer on the part of Spain, considered in connexion with the letter of Mr. Bermudez of the 9th June, 1833, in which it is confessed to be limited by the exhausted state of the Spanish treasury, and that in times of greater prosperity his Majesty might have given it a more liberal extent, may fairly be treated as an acknowledgment of the justice of our claims to the amount of six hundred thousand dollars.

Although this sum is little more than one-half of the amount claimed by the United States, and two-thirds of that which, upon the ground of compromise, you were heretofore authorized to accept; nevertheless, for the purpose of further manifesting his desire to preserve the relations of amity between the two Governments, and of terminating a negotiation already painfully protracted, the President would be willing to receive the sum of six hundred thousand dollars as a compensation for our claims, and would, moreover, be willing to receive payment in Spanish stock, of such an amount as will realize that sum.

The Spanish Government must be sensible that the claims on the part of the United States exceed the sum now offered, and it cannot decline, upon any principle of justice, to make good the amonnt which it cannot deny to be due. The present exhausted state of the treasury may properly recommend a longer period of credit; though, even in this view, the delay which has already been incurred, and the consequent loss of interest, are entitled to great weight, but cannot be urged in justification of altogether withholding payment of any portion of that which is admitted to be due. If, therefore, the United States agree, in consideration of the present condition of her treasury, to accommodate Spain with a liberal credit, it is only reasonable in itself and respectful in Spain that she should in good faith pay in some form or other that which she agrees to give; and if payment in the form of inscriptions of stock be convenient or necessary for her purposes, she should not hesitate to give it upon such terms and in such an amount as will accomplish her own professed object, and realize to our citizens what she intends to give them.

Assuming the offer of Mr. Bermudez, therefore, to be an admission of our claims to the amount of six hundred thousand dollars, and the probable value of Spanish stocks under the most favorable circumstances, as stated by you, Spain should, in justice, give us inscriptions of her debt to the amount of seven hundred and fifty thousand dollars.

* * *

If, however, after full and proper exertion you find this proposition altogether hopeless, * * you may finally accept the sum of six hundred thousand dollars in inscriptions of stock, upon the terms offered by Mr. Bermudez, it being understood that the interest will be payable in Paris.

It will be proper, in any event, to endeavor to fix upon some definite period for the reimbursement at Paris, or even at Madrid, interest being payable at Paris, of such amount of stock as Spain may ultimately agree to give. This would augment the market value of the stock; and the analogy of such an arrangement to the terms of payment given by France, Denmark, and Naples, would deprive the Spanish Government of any good objection on that score. In such event, you might agree to the term of ten, or even of fifteen years. A definite period, however, is not to be absolutely insisted upon so as to endanger success in other respects.

The President desires that, in the future stages of the negotiation, and in executing these instructions, you will be cautious not to yield prematurely any proposition you are directed to make; and that you will fall to the minimum only when it shall be apparent that nothing more can possibly be obtained, or that it is necessary for the success of the negotiation.

The form of some of the articles of a convention transmitted by Mr. Silliman for the President's inspection does not appear to be adapted to a convention for payment by stock, and I therefore take leave to accompany his despatch by others, which you may pursue, if in your judgment all circumstances will admit of it.

I am, sir, very respectfully, your obedient servant,
LOUIS McLANE.

To Cor. P. Van Ness, Esq.,
Envoy Extraordinary, &c.

Mr. McLane to Mr. Van Ness.—[Extract.]

[No. 54.] Department of State,
Washington, Dec. 5, 1833.

Sir: Your despatches of September 25th and October 3d, 1833, * * * were received at this Department on the 2d instant.

It is understood that, according to usage, which understanding is confirmed by the opinion of the Spanish minister here, the death of the late King need offer no interruption to your negotiation; * * and the President, therefore, does not doubt that, availing yourself of the continuance of Mr. Bermudez in office, you have promptly closed your negotiation, in conformity to your instructions of the 27th and 28th of August last.

As a precautionary measure, however, and in compliance with the courtesy usual upon such occasions, you will herewith receive your letters of credence to the new Government, and also a new power to treat.

If you have not already brought your negotiation to a favorable issue, it is the direction of the President that you will, upon the receipt of this despatch and the accompanying papers, lose no time in doing so; and that, in your subsequent conduct, you will conform yourself to the instructions already adverted to.

I need make no observation to impress upon you the importance of transmitting the result of your negotiation as early as possible during the present session of Congress. This of itself will be a sufficient consideration to urge upon the Spanish Government for a prompt adjustment of our claims. * * *

Mr. McLane to Mr. Van Ness.

[No. 58.] Department of State,
Washington, May 28, 1834.

Sir: Your despatch of the 18th February last was received at this Department on the 16th of April, and I am desired by the President to express to you his satisfaction at the successful termination of the negotiation. The convention by which your despatch was accompanied having been duly ratified, with the advice and consent of the Senate, a copy is now transmitted to you by a special messenger, for the purpose of exchange, which you will accomplish as speedily as possible. You will then forward the Spanish ratification by the messenger on his return, together with the inscriptions of stock stipulated for in the treaty, the certificates of which you will obtain of such size as you may think best adapted to an advantageous sale by this Government, or by the claimants, should the inscriptions be hereafter transferred to them by the Government.

I am, sir, very respectfully, your obedient servant,
LOUIS McLANE.

To Cornelius P. Van Ness, Esq.,
Envoy, &c., Madrid.

Mr. McLane to Mr. Van Ness.

[No. 59.] Department of State,
Washington, May 29, 1834.

Sir: Mr. Edward Wyer is sent as a special messenger, to convey to Madrid the ratified convention between the United States and Spain, together with despatches for you. He proceeds through France, and will return by the same route, unless you should be of opinion that he may more safely and expeditiously reach the United States by some other; in which case he will follow your directions. As it is desirable that he should bring with him both the Spanish ratification of the convention and the certificates of the stock to be issued under it, you are at liberty to detain him a reasonable time for that purpose. As the certificates are to bear date on the same day as the exchange of the ratifications at Madrid, it is expected that they will be issued without delay; but if you should find that the issuing of them cannot be completed within a reasonable time, you will despatch the messenger with the convention.

I am, sir, very respectfully, your obedient servant,
LOUIS McLANE.

To Cornelius P. Van Ness, Esq.,
Envoy, &c., Madrid.

Mr. McLane to Mr. Van Ness.

[No. 60.] Department of State,
Washington, May 29, 1834.

Sir: Accompanying this despatch is a power from the President authorizing you to receive the inscriptions of stock stipulated to be delivered to the United States by the recent treaty with Spain.

I am, sir, very respectfully, your obedient servant,
LOUIS McLANE.

To Cornelius P. Van Ness, Esq.,
Envoy, &c., Madrid.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 4.] Legation of the U. S. of America,
Aranjuez, May 20, 1830.

Sir: I have now the honor to forward a copy of the communication made by me to this Government, on the subject of the claims of our citizens for spoliations upon their property, committed by vessels bearing the commissions of Spain. It was prepared under many disadvantages, besides that I was at last without one or two important documents which I ought to have had before me. I hope it will meet the views and satisfy the expectations of the President.

It was delivered to the Minister of Foreign Affairs on the day of its date, and in about a month or a little more I shall apply for an answer, and will press Mr. Salmon, at short intervals, until I receive a reply of some kind or other. I am determined, at all events, to bring the business to a point before the commencement of the next session of Congress. I cannot as yet form a reasonable conjecture as to the course this Government will pursue upon the subject. * * * *

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Manuel Gonzalez Salmon, his Catholic Majesty's Principal Secretary of State.

Madrid, *May* 8, 1830.

Sir: As the minister plenipotentiary of the United States of America, it has become my duty to address the Government of his Catholic Majesty upon a subject of deep interest to many of the citizens of those States, and of great solicitude on the part of their Government; I mean the question of the claims arising from certain seizures of American property, which are deemed to have been unlawfully made, and to have imposed upon the Government of his Majesty the obligation to make remuneration for the injuries thus sustained.

These claims have been heretofore pressed upon the attention of this Government by the ministers of the United States; having, in the first place, been brought forward by Mr. Nelson, and afterwards urged by Mr. Everett, my immediate predecessor. And although the grounds in support of them may, at different times, have been already suggested, yet it is thought expedient briefly to repeat them in this note, adding such arguments to enforce and illustrate them as may occur to me for the purpose of presenting at this time, and in this final appeal, a clear view of the whole case.

A single remark more, and I will enter upon the exposition. While my duty to my own Government demands that I should state all the material facts, and draw from them all legitimate conclusions, it will be my object throughout not to lose sight of the respect and courtesy due to the Government of his Majesty, and which I am personally sincerely disposed to observe.

In the war between Spain and her late American colonies, the commerce of neutral nations was exposed to much vexation, and at times became a prey to the exigencies and the rapacity of those immediately engaged in the contest. In the year 1820, a suspension of hostilities for six months was agreed upon by a treaty between General Morillo on the part of Spain, and General Bolivar on the part of the new American States; and one of its articles contained an express stipulation that, if the war should be renewed, it should be conducted on the principles applicable to war between independent nations, and not on those upon which Spain had in the first instance placed it. On the termination of that suspension the war was renewed, and soon afterwards the Spanish commanders had recourse to a system of blockade as unfounded in principle as it was unjust in its consequences. A coast of upwards of four hundred leagues in extent was declared in a state of blockade, with no other means of enforcing the measure than a naval force scarcely sufficient to invest any one of the numerous prohibited ports. And to this groundless pretension was added an interdiction of all neutral commerce with the ports of the Spanish main, upon the ground that the Spanish colonial laws forbidding such trade were still in force, and applicable to the case. Coeval with these unjustifiable acts, and in accordance with the principles by which they were dictated, was the issuing of numerous commissions to privateers at Porto Cabello and the island of Porto Rico, which were let loose upon the commerce of other nations, and the organization of illegal prize courts, which were ready to condemn the captured property on the most frivolous pretences. By these and other means extensive depredations were committed upon property belonging to the citizens of the United States, by the agents of Spain; and it is for these depredations that remuneration is sought at the hands of his Majesty's Government.

No argument can be necessary to prove that a blockade is wholly void where the force relied upon is notoriously incompetent to sustain it to the extent in which it is declared; and since that complained of was emphatically of this description, and therefore destitute of all legal foundation, no proceedings growing out of it could be valid, however regular they might in themselves appear to be. But they were in general grossly irregular. Indeed, as if desirous to manifest to the world in the clearest light that entire disregard of common justice, and even of outward propriety, by which every step in the progress of these lawless proceedings was distinctly marked, the rare example was furnished of uniting in the same person the authority issuing the commission to the capturing privateer and the magistrate pronouncing judgment of condemnation upon the captured property; and that person himself the commander of a vessel of war, employed in enforcing the same unlawful and oppressive measures.

Nor can it be important now to show that the conduct of these privateers differed in no essential respect from that of the piratical vessels which at the same period issued from the island of Cuba; and that between the two classes of depredators there was a concert of action, and not unfrequently an identity of persons.

The blockade in question was early protested against by the United States, Great Britain, and the Netherlands, through their naval commanders stationed in the West India seas. The illegality of the measure, and the consequences of all attempts to enforce it, were fully and clearly pointed out. The result was, that on the 21st of December, 1822, his Majesty issued a royal order for its revocation, and very soon afterwards concluded a convention with Great Britain, providing indemnity for the seizures of British property made in virtue of it. The decree of the Spanish Cortes of the 9th January, 1823, upon which that convention was founded, authorized the appointment of arbitrators to decide upon the claims of Great Britain, "including all those captures which, from whatever cause, seemed to bear a doubtful character, as well as those which originated in the blockade of Costa Firma." Thus did the Government of Spain itself, besides the implied admission arising from the revocation and from the settlement with Great Britain, plainly acknowledge that the captures made under the blockade in question were clearly unlawful, by their being mentioned in the decree of the Cortes in contradistinction to those of a "doubtful character."

It will be proper next to examine whether, independently of the blockade, a justification can be found for the acts complained of, upon the ground of an existing interdiction of the trade of neutral nations with the new States.

It is too well settled by the principles of public law now to be called in question, that in a civil war, both parties, with reference to foreign nations, have equal rights. In the Spanish American revolutionary war the independents occupied most of the ports in the Gulf of Mexico and on the Pacific ocean, as well as the interior of the country, and were therefore peculiarly embraced by the principle just stated. One of the first fruits of this state of things was the abolition, by the new States, of that system of colonial monopoly which had shut out from them all foreign commerce, while they were in the possession and under the authority of Spain. And the Spanish authorities themselves, who were charged to preserve and to regain the power of the mother country, sanctioned and adopted the same principles, by declaring the ports of which they retained or recovered the possession open to the lawful commerce of neutrals. In short, the bare statement of the case would seem to be sufficient to establish the conclusion, that when Spain had lost the power to enforce a single one of her laws over the people of those States, and was not herself permitted to hold commercial intercourse with them, she could not, on any possible ground, possess the right to prohibit such intercourse to all other nations. But if, by way of argument, it should be admitted that at an earlier period of the war this pretension might have been advanced with some show of propriety, still it was obviously destitute of all color of reason after the formal treaty between the parties entered into by Morillo and Bolivar, and especially the stipulation it contained as to the manner in which the war, if renewed, should be carried on. By that act, Spain not only treated those with whom she was contending as a separate party, but entered into an engagement the very nature of which implied that she was not to interrupt the trade of the neutrals with such party, except on the principles and usages of wars between independent nations.

That the Government of his Majesty itself viewed the matter in this light is evident from its own conduct, as well as the proceedings of those who acted under its authority: the institution of the blockade alone would prove this, for it would have been wholly superfluous if the colonial interdiction had been still in existence. The very declaration of it assumed the fact that the trade forbidden by it was previously free and unrestrained; and its formal revocation was, in effect, proclaiming to the world that access was again open to the prohibited ports.

But the circumstances attending the revocation, in the present instance, are stamped with a character so unequivocal as to leave but little to inference on this score. In the royal order for that purpose his Majesty recognised the legality of the trade, on the removal of the blockade, with the provinces to which it had been extended, and declares the order to be issued in compliance with the representations of the neutral Powers who had suffered by the operation of the measure. Now, independently of this direct recognition, the question presents itself as to what benefit was conferred upon neutral nations by this order, if another principle existed by which their trade was at the same time equally liable to interruption.

General Morales, in his proclamation issued at Maracaibo, in March, 1823, in pursuance of the royal orders, and reciting its terms, declares "that it is to be understood, at the same time, that foreign vessels which may bring into said ports arms, ammunition, implements of war, or adventurers, who may come to them for the purpose of waging war against the subjects of his Catholic Majesty, will be treated as enemies." Is not the plain import of this language that no further interdiction existed of the trade which had been interrupted by the blockade, except in the articles specified?

The Governor of the island of Porto Rico, when inquired of by Commodore Porter, in the same month of March, as to the existence of any interruption to the commerce of the United States with the Spanish main, answered as follows: "I am likewise asked by your excellency for information how far my instructions are extended for interrupting the commerce of the United States with Mexico and Colombia; and, for your gratification, it is my duty to declare that I find myself sufficiently instructed to state that the blockade which was established on all the coasts and ports of the provinces of Venezuela has been raised. Under these circumstances, I consider the commerce of the United States to be in free capacity for an intercourse with that of the places formerly blockaded, reserving, however, for lawful capture, the vessels of any nation which shall be found conveying implements of war to the insurgents, or people disposed to co-operate with them in their military resistance. I can give your excellency no certain information concerning Mexico, but it is my opinion that the circumstances and condition are to be found the same as those of Venezuela." Here we have the express declaration of the Governor of Porto Rico that, on the removal of the blockade, no impediment remained to the free trade of neutrals with the new States, with the exception only, as in the other document, of articles contraband of war, an exception not growing out of, or in any way connected with, the blockade or the colonial interdiction.

I will now take a brief review of what has passed directly between the Governments of the United States and of his Majesty on this important and interesting subject. On the 23d January, 1824, Mr. Nelson, who was then the minister of the United States at this court, addressed a note to Count Ofalia, his Majesty's Minister of Foreign Affairs, in which he entered into a statement of the origin and history against the claims of the Government of Spain for spoliations committed upon American commerce, and requested that a speedy and satisfactory settlement of them might be made.

To this note no answer was returned, notwithstanding the repeated and urgent applications of Mr. Nelson, both written and verbal. At an interview with Count Ofalia in April following, that minister stated to him that the Government of Spain, unable to find at Madrid any information in relation to the subject, had sent instructions to the Havana, upon the receipt of Mr. Nelson's note, directing the necessary inquiries to be made; that no precise and positive information had yet been received; but that the reports which had been made contained very different accounts from those furnished to the Government of the United States. He declared to Mr. Nelson that the seizures of American property were justified, not upon the existence of any colonial monopoly, but on the ground that the articles seized were contraband of war by the existing treaties between Spain and the United States. He further observed, that Spanish subjects had also claims against the United States for losses sustained in consequence of expeditions fitted out in their ports, and that Spain was ready to arrange all matters in dispute upon principles of justice and fairness. And he concluded by promising soon to express, in writing, the views of his Majesty's Government, so far as the information within his reach would enable him to do so. Count Ofalia soon afterwards went out of office, and was succeeded by Mr. Salazar, ad interim, to whom Mr. Nelson renewed his application for an answer, but with no better success than before.

Mr. Salazar was soon succeeded by Mr. Zea Bermudez, who was found as uninformed on the subject as either of his predecessors, but who, like them, promised to give his early and earnest attention to it, and to furnish Mr. Nelson with the views of his Majesty's Government. This delay continued until November, 1824, when Mr. Nelson was informed by a note from Zea Bermudez, that his Majesty had directed particular attention to the notes of the American minister in regard to the claims of American citizens; that this complicated question, in which interests to a large amount were concerned, offered the more difficulties, as it involved other considerable interests and claims of Spanish subjects against the Government of the United States; that his Majesty, being anxious that both Governments should come to an amicable arrangement upon this interesting point, and mutually allow the rights and claims they were in justice entitled to, had conceived that the best means of obtaining that desirable object would be to send forthwith a minister plenipotentiary near the American Government, well qualified by his information, judgment, and practical knowledge of the relations between the two nations, to be at once the organ and executor of the upright intentions of the King; and that his Majesty had accordingly appointed Don Joseph de Heredia, who would depart for his destination with as little delay as possible.

The expectations raised by these engagements were never realized. After waiting until July, 1825, Mr. Nelson, who was then about to leave Spain, was informed by Mr. Zea Bermudez that his Majesty, although he had successively appointed two ministers with a view to the settlement of the American claims at Washington, the first of whom having been excused in consequence of ill health, and the second, from other engagements, having not yet been able to proceed to the United States, had, upon further reflection on the difficulties of settling disputes of this kind abroad, been induced to the determination that the adjustment should take place at Madrid, but that all preparatory steps to final arrangement might be taken at Washington; and he added, that it was hoped that the new minister about to come over from the United States would be furnished with the necessary instructions and authority to make a final settlement of the matter at Madrid.

In the fall of the same year, Mr. Everett arrived in Spain, as the minister plenipotentiary of the United States, who was accordingly authorized to renew the negotiation at this place, and also to stipulate for the payment of any claims that Spain might establish against the United States, though it was not known that any such existed. At the request of Mr. Zea Bermudez, he prepared another note in relation to the claims, but which, owing to another change in the Spanish ministry, was delivered to his successor, the Duke del Infantado, on the 6th November of that year. This minister was likewise found wholly unprepared to act. And so hopeless did the prospect then appear to Mr. Everett, of a satisfactory issue, that he did not hesitate to recommend to the American Government measures of reprisal, as the only means of redress left to the United States.

This position of affairs continued until May, 1826, when Mr. Everett received a note from the Duke del Infantado, informing him that his Majesty, upon view of the different notes of the American ministers respecting the claims of certain citizens of the United States, who considered themselves entitled to indemnity from Spain for losses sustained on the seas of America; and having been also informed of the existence of similar claims of certain Spanish subjects upon the Government and citizens of the United States, had been pleased to appoint Don Joseph De Heredia his minister plenipotentiary to the United States, with the authority to settle this delicate question by an amicable arrangement that might conciliate the rights and pretensions of the two Governments; that Mr. Heredia had been prevented by the state of his health from accepting the mission; and that his Majesty, anxious for the accomplishment of the object in view, had afterwards appointed Don Francisco Tacon, but that the important business in which the latter gentleman had been for some time employed at London was not yet closed, by which his Majesty was again disappointed. The Duke del Infantado proceeded to declare that the King, still desirous to see his upright intentions accomplished as soon as possible, and to give the Government of the United States a new and incontrovertible proof of his ardent desire to adopt every measure that might contribute to strengthen the bonds of friendship between the two nations, had thought proper to appoint your excellency and the said Don Joseph Heredia as commissioners to treat with Mr. Everett upon the subject of the abovementioned claims, and that those persons would enter immediately on the discharge of the duty committed to them. Mr. Everett lost no time in inviting the commissioners to a conference, but found them unprovided with instructions, and of course unprepared to proceed a single step. In August following another change of ministry took place, by which your excellency succeeded the Duke del Infantado, and which prostrated the hopes that had grown out of the appointment of the commissioners.

The business was again suspended, and remained so until the sixteenth of January, 1828, when Mr. Everett, to his great surprise, received from your excellency a note, stating that his Majesty was under the necessity of declining to accede to the proposition of a convention for indemnifying the citizens of the United States for losses incurred by the capture of their property, out of which the claims in question had arisen. The reasons assigned for this unexpected determination were, in the first place, that the interdiction by Spain to all other nations carrying on commerce with her American possessions never having been revoked, the acts of General Morales, against which so much complaint had been made, were adopted only to carry into execution that interdiction, and therefore afforded sufficient ground for the captures; and, in the second place, that, by the existing treaty provisions between Spain and the United States, the subjects of the two Powers were prohibited from carrying arms, ammunition, or other contraband articles, to the dominions of any nation at war with either of the two contending parties.

It is likewise stated that the convention for indemnifying Great Britain had been extorted from his Majesty, by a faction which at that period had seized upon the Government of Spain, and was far from being just; and that his Majesty, restored to the rights which he had inherited from his ancestors, could not agree to a second act of the same nature. But no notice is taken of the encouragement held out from time to time of bringing the business to an amicable and satisfactory issue, nor is any allusion made to the different steps actually taken professedly with that view, and with which the note of your excellency is directly at variance.

In stopping for a moment and casting back an eye upon the course pursued by the Government of Spain, since the claims of the United States were first distinctly presented to its view by Mr. Nelson, until the date of your excellency's note to Mr. Everett, the same conviction is discoverable of the want of a justification for the aggressions complained of, either upon the ground of the blockade or the colonial interdiction, that has been shown to have been evinced by the act and proceedings more immediately relating to those measures. The often-repeated promises of attention to the subject, in answer to the pressing solicitations of the ministers of the United States, the assurances given in the note of Mr. Zea Bermudez to Mr. Nelson of the anxiety of his Majesty that the two Governments should come to an amicable arrangement, and mutually allow the claims to which they were respectively entitled, and that Mr. Heredia had been appointed to settle the whole subject at Washington; the expressions contained in the note of the Duke del Infantado to Mr. Everett, of the disappointment felt by his Majesty, that neither Mr. Heredia nor Mr. Tacon had been able to proceed to the United States with a special view to the settlement of this question, and of the desire he still entertained for the speedy accomplishment of the same object; the determination to bring back the business for settlement to Madrid, followed up by the actual appointment of two commissioners to proceed in it with Mr. Everett, and the entire omission during the whole of that period to attempt a justification of the kind at last so singularly resorted to, constitute so many acts tending irresistibly to prove the existence of that conviction. And when to all these is added the unequivocal disclaimer by Count Ofalia, in April, 1824, of all reliance on any other ground than that the property captured was contraband of war, there would seem to be no avenues left open by which the Government of his Majesty could return to a defence, founded upon grounds which had been thus not only virtually abandoned, but expressly disclaimed.

It is not my intention by these remarks to impute to the Government of his Majesty a want of sincerity in any state of the proceedings that have taken place. My object is to show that it must, and at a late period, too, have undergone a total change of opinion, and to claim, on behalf of the United States, which is conceived to be but fair, the benefit of such admissions, direct or indirect, on the part of Spain, as may have been at variance with the principles of the defences subsequently brought forward, and by which that defence must necessarily be essentially weakened if not wholly invalidated.

But waiving for the present the considerations arising from this change of ground on the part of Spain, I apprehend that a moment's examination of the note of your excellency will be sufficient to show, not only that it falls short of meeting the case, but that it has by no means placed the Government of his Majesty in a stronger position than it previously occupied.

The blockade, as such, is altogether abandoned by the declaration that the acts of General Morales were adopted only to carry into execution the colonial interdiction. And the question of the existence of that interdiction appears to me, likewise, to be disposed of by the same declaration. From the identification of the measures of General Morales and the colonial interdiction, it would surely seem to result, that the revocation of the first was necessarily a revocation of the last; since no substantial or practical distinction can be perceived between the renunciation of the execution of a measure and the renunciation of the measure itself. And it has already been made to appear that, when the revocation took place, it was the understanding of his Majesty himself, and of all in authority under him, whose official acts related to the subject, as well as of the neutral nations interested, that the trade, which had been prohibited, was restored to its freedom.

If, then, the trade in question was left free on the repeal of the measures of General Morales, it must have been so at the commencement of their operation. The natural effect of the discontinuance of a measure is to restore the order of things to the condition in which it was found on the adoption of such measure. If such was not the fact in this case, and if those measures did not in themselves constitute a prohibition, or revive one which had ceased to operate, what was the change which the neutral Powers principally concerned protested against as an innovation injurious to their interests, and denounced as an unwarrantable encroachment upon their just rights?

The conclusion, as I conceive, being established on your excellency's own premises, as well as on other grounds, that the colonial interdiction had ceased to exist previous to the adoption of the acts so often referred to of General Morales, the captures of American property made in pursuance of those acts were of course unlawful, and the justification which it was the design of your excellency to predicate on that foundation must fall, unless the further position can be reached and maintained, that it was within the lawful power of that officer to enact measures by which that interdiction could be revived so as to authorize the capture of neutral property engaged in fair trade with the new States. And that this will not be attempted I feel so well assured that I will at present advance no argument against it.

The royal decree of the 9th of February, 1824, to which your excellency has been pleased to refer, allowing neutral nations to trade direct with the Spanish dominions in America, could only have the effect to open the ports which remained in the possession of Spain in that part of the world, and to serve as a confirmation of the previous acts of his Majesty, and those in authority under him, recognising the legality of the trade with the provinces which had for years declared and maintained themselves as independent States, and had already been acknowledged as such by the United States, and within one year afterwards concluded treaties with Great Britain; on these grounds may this decree have been solicited by other Powers, and received by them with satisfaction, but not by way of recognising the right contended for over the new and independent States. So far as the note of your excellency would seem to impute to his Majesty the idea that this decree would confer upon neutrals any advantages in the ports of those States, I venture the opinion that it must have been an inadvertence on the part of your excellency, since his Majesty could not but have been aware that the act, as to any such purpose, would be perfectly nugatory. And the bare suggestion of this point brings forcibly to mind the remarkable singularity of contending for the right to prohibit a trade after the power has been entirely lost to regulate or to permit it.

But if the point should be yielded, that the colonial interdiction remained in force at the period in question, as it regarded the commerce of neutrals with those States, Spain would by no means be absolved from the claims of the United States. It would be necessary then to make it appear that the fact of the violation of that interdiction had been properly charged and investigated before a legal and competent tribunal, and a regular judgment of condemnation pronounced against the property in each case; for those facts are denied, and cannot be assumed. It is believed that several if not the greater number of the individual cases, without reference to the causes alleged for the captures, would turn upon the unlawful conduct of the captors, and the irregularity of the proceedings by which the property was disposed of; and that others would appear to have arisen on principles not connected with those upon which his Majesty's Government has finally chosen to place the subject.

So far as regards the question of contraband of war, I am not aware that any difference of principle exists between the two Governments. But here it is denied that the property captured consisted of articles of that description, and that it has been regularly condemned on that ground.

It is manifest, therefore, that even the two principles upon which the case has been rested by your excellency, instead of closing the door against further proceedings, would alike require a negotiation for the purpose of instituting an examination of the claims in detail, that it might be ascertained whether the necessary facts existed to bring the cases within those principles.

It is a striking fact that the treaty provision existing between the two countries, by which either party is prohibited from carrying contraband articles to the dominions of any nation at war with the other, is applied by your excellency to the present case, without the necessity of a resort to implication, on the principle that the restriction of itself, wherever it applies, supposes a free trade in articles not embraced by it; the very provision cited is accompanied by others expressly permitting such trade, so that by this application alone the question might be considered at rest. But without the advantage of this conclusion, it is difficult to perceive how it can be allowable, when treating the new States in this manner, as an independent third party, and considering them as "a nation" at war with Spain, to claim them, at the same time, as "possessions" of Spain, actually under the operation of her laws, with the object of attaching to the trade with them the principles and restrictions of the old colonial regulations. In short, could it not be well insisted that both positions, without regard to the merits of either, in their mutual and fatal repugnancy, carry with them their own inevitable destruction?

In relation to the assertion that the convention for the settlement with Great Britain was extorted from his Majesty, it is deemed sufficient for the United States that the same was entered into by the actual Government of Spain, at the time, with his Majesty at the head of it: and that, since his restoration to his ancient rights, he has recognised the validity of that convention by repeated acts for carrying the same into execution. And subsequent even to the date of your excellency's note, to wit, in October, 1828, his Majesty concluded a new convention with Great Britain, in which the obligation of the first is expressly acknowledged and provision made for the speedy payment of the claims embraced by it. The Government of Spain, therefore, if it could ever have availed itself of this plea, cannot, on any fair principle, now resort to it; and the United States, looking to this example, will be authorized to consider a further denial to award to them the same measure of justice as dictated by a spirit of prejudice, if not of hostility.

Of the claims which have been alleged to exist in favor of Spain against the United States, but which appear, for some reason or other, to be overlooked in the note of your excellency, the Government of the United States has no desire to avoid an investigation; and it is willing and ready to provide for the payment of all such as shall prove to be just in any fair arrangement for the settlement of the mutual claims of the two nations.

If the views which I have now had the honor to submit on behalf of the United States be at all correct, then it is, according to my apprehension, proved that the Government of his Majesty has failed to make out a justification for the aggressions which form the subject of this note, or for the denial of its own obligation to render satisfaction for them. If they should be believed on the part of Spain to be incorrect, in regard to any material point, either as to principle or fact, I trust your excellency will not fail to point out to me the supposed errors, since I will, with great pleasure, receive and attend to any suggestions of the kind.

Before closing this note, I deem it expedient to remark that the President of the United States, having been recently called by the voice of the nation to the head of its Government, upon view of the foreign relations of his country, found with regret that their position, with reference to this ancient and respected nation, was such as the United States could no longer acquiesce in a continuance of. He perceived with painful surprise the protracted delays which had attended all the efforts on the part of the United States to obtain redress for injuries which it appeared to him Spain was bound by the most sacred principles of justice to repair, and the discouraging manner in which his Majesty had put the matter at rest, after various admissions and concessions in regard to the validity of the claims of the United States, and several approaches apparently made with a view to their settlement, on an application by my immediate predecessor, which had been recommended by the Senate of the United States, as "a last appeal to the justice of his Catholic Majesty."

But being sincerely desirous to preserve the peaceful relations of his country with all nations, and especially with Spain, and at the same time disposed to make the most liberal allowances for the struggles by which she had been convulsed, and the difficulties which his Majesty had been compelled to encounter, he determined, before the adoption of any measures by which the friendly intercourse between the two nations would be disturbed, to make still one more appeal to the justice of his Majesty, trusting that it would not prove in vain. He could not but persuade himself that his Majesty, upon more mature reflection, and a fuller view of the real merit of the case, under the influence of more friendly sentiments towards the United States, and called upon to decide at a more suspicious period, would be induced to withdraw the decision announced in the note of your excellency, and to authorize, without further delay, the conclusion of a full and amicable settlement of all just claims between the two parties.

This appeal has been intrusted to me, and is now made, and whatever be its result, it will nevertheless be a source of satisfaction to the President that it fell to his lot to bring this question to a close at a time when Spain was not oppressed by internal difficulties or domestic dissensions, but when his Majesty was firmly seated on the throne of his ancestors, peacefully enjoying all the power and dignity possessed by them, and looking with satisfaction upon the progressive improvement of his country, and the increasing confidence in his Government. Under such circumstances, the United States can be subject to no charge of pressing the allowance of their claims on any other grounds than a conscientious belief of ther intrinsic merits; while, on the other hand, his Majesty, in satisfying these claims, will be liable to no imputation of having acted otherwise than from a conviction of what was rightly due to the United States, and required by his own character and the dignity of his throne.

It remains for me to apprize your excellency that I have been furnished by the President with the necessary authority to conclude an arrangement with the Government of his Majesty for the final settlement of the claims of the United States, and to stipulate in the same arrangement for the allowance of such as may be shown justly to exist on the part of Spain; and that I am ready at any time to exhibit my power, and to enter upon the negotiation in a spirit of friendship and accommodation with your excellency, or with such other person as may be designated by his Majesty for that purpose.

I have only to add, that I am specially directed by the President to state that he is desirous to be informed of the final determination of his Majesty with as little delay as the nature of the case and the convenience of his Majesty will permit.

Improving this occasion to renew to your excellency the assurance of sincere respect and esteem,

I have the honor to remain your excellency's very obedient servant,

C. P. VAN NESS.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 6] LEGATION OF THE U. S. OF AMERICA,
Madrid, July 15, 1830.

I forward also a copy of a note to Mr. Salmon, requesting an answer to my communication in regard to the claims for spoliations on our commerce. It is my intention now to request a conference with him, and to enter into a full conversation on the merits of both the important subjects on which I have addressed him, provided he shall appear to have no objections to such a course. I shall endeavor to enforce the considerations presented in my written communications, and to add such as I shall judge expedient.

Mr. Van Ness to Mr. Salmon.

LEGATION OF THE U. S. OF AMERICA,
Madrid, July 8, 1830.

SIR: I beg leave to remind your excellency that the note which I had the honor to address to you on the 8th of May last, in relation to the claims of the United States upon the Government of his Majesty, remains unanswered.

On account of the great solicitude which is felt on that subject in the United States, I am extremely desirous to be apprized of the decision of his Majesty with as little further delay as his convenience will permit, that I may communicate it to the President for the information and guidance of the Government of the United States.

It is unnecessary for me to add any thing on the effect which the decision may have upon the relations between the two countries, or to repeat the anxiety felt by the President of the United States, not only to preserve those relations in their friendly state, but to improve them as much as possible.

With the renewed assurance of my great respect and esteem, I have the honor to remain

Your excellency's obedient servant,
C. P. VAN NESS.

To his Ex. Don Manuel Gonzalez Salmon,
Principal Secretary of State.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 7.] Legation of the U. S. of America,
Madrid, August 25, 1830.

I have likewise the honor to send you herewith copies of a note from Mr. Salmon, promising me a final answer soon on the question of the claims, and of my reply to the same. The matter, upon the whole, bears rather a favorable aspect; but there is so much uncertainty as to every thing here, that it will not do to place too much reliance upon appearances. I intend that the result, if possible, shall be ascertained, and the President be advised thereof previous to the commencement of the next session of Congress.

Translation of a note from the first Secretary of State of H. C. M. to the Minister of the United States.

Sir: I received the note you were pleased to address to me dated, the 8th of last month, requesting an answer to the one you had written under date of the 8th of May last, on the subject of the claims of the United States against his Majesty's Government.

This business has not been forgotten; on the contrary, his Majesty's Government are earnestly occupied upon it. But the weight and importance of the subject do not admit of its being decided on with the promptitude that would be desirable, amid the multiplicity of other equally important affairs which absorb the attention of the Government. The note you refer to, notwithstanding its great length, has been kept in view, and has been reduced to an extract, in order to its being taken into consideration. I flatter myself that very shortly it will be in my power to give you the answer you desire, and, according to the principles of justice and rectitude that always guide his Majesty's Government in their resolutions, there is no doubt that that answer will be in conformity with those principles, and that this long-canvassed and weighty question will be brought to a close, without any detriment to the relations of harmony and sincere friendship which subsist between the two nations, and which Spain is no less desirous of maintaining than the United States.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration. God preserve you many years.

MANUEL GONZALEZ SALMON
At the Palace, *August* 10, 1830.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Manuel Gonzalez Salmon, his Catholic Majesty's Principal Secretary of State.

Legation of the U. S. of America,
Madrid, August 15, 1830.

Sir: I have the honor to acknowledge the receipt of your excellency's note of the 10th instant, in relation to the claims of the United States upon the Government of his Catholic Majesty; and I hasten to express my gratification at the assurance that the subject is now under the serious consideration of this Government, and will soon be decisively ended; and the still greater gratification which is afforded me by the opinion of your excellency, that the business will be closed without detriment to the friendly relations now subsisting between the two countries.

It is expedient, however, that I should improve this occasion to apprize your excellency that, by the messenger who lately arrived here from Washington for the purpose of procuring certain papers relating to Louisiana and Florida, the President has transmitted to me his desire that I should forward by the 1st of October the state of the application to this Government on the subject of the claims, that he may be enabled to lay the same before the Congress of the United States, for their information and guidance, at the opening of the next session, which will be about the first of December next.

Renewing to your excellency, &c.,
C. P. VAN NESS.

His Excellency Don Manuel Gonzalez Salmon,
Principal Secretary of State.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 8.] Legation of the U. S. of America,
Madrid, October 9, 1830.

Sir: I have the honor to forward herewith a copy of another note to Mr. Salmon, dated September 21st, and to inform you that I have heard nothing from him on the subject of the claims since his short note of the 10th of August.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Manuel Gonzalez Salmon, Principal Secretary of State of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, September 21, 1830.

Sir: As I had the honor to inform your excellency in my note of the 15th of August last, it will become my duty, by the 1st of October next, to transmit to the President of the United States the state of the negotiations pending here between our respective Governments, in order that he may be enabled to communicate the same to the Congress at the opening of the session on the sixth day of December next.

The principal questions between the two countries, and which are now waiting the decision of his Majesty's Government, are those of the claims, of the proposition to enter into a commercial treaty, and of the construction of the royal order establishing a free port at Cadiz.

It is desirable that all these points should be settled; but the President is particularly anxious that the one in relation to the claims should be speedily determined, because the decision of that will have a more essential bearing upon the relations between the two countries than the others can produce, however important they may be.

How the subject will be viewed by the Government of the United States at the approaching session of Congress, standing without any answer to my note to your excellency of the 8th of May last, I am not able to say, nor is it for me to conjecture.

But I will add, that I still hope to receive his Majesty's decision in season to be forwarded to the President by the time mentioned, and I need hardly assure your excellency of my continued desire that it should be such as would put an end to any further difficulty in the case.

Renewing the assurance of my consideration and esteem, &c.

C. P. VAN NESS.

His Excellency Don Manuel Gonzalez Salmon,
Principal Secretary of State.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 10.] Legation of the U. S. of America,
Madrid, November 15, 1830.

Sir: I have the honor to forward a translation of the answer of this Government to my note of the 8th of May last, on the important question of our claims, and a copy of my reply to the same.

As it respects this subject, I do not perceive that I have any thing more to do until I receive further instructions from the President; my opinion remains unchanged as to the only course which will prove efficient in the case; and I believe the answer above mentioned to have been produced by the impression that no such course will be resorted to on the part of the United States.

Translation of a note from the Secretary of State of his Catholic Majesty to the Minister of the United States.

Sir: When I addressed to your excellency's predecessor my note of the 16th of January, 1828, informing him of the resolution which the King, my august master, had in conscience been obliged to adopt, having maturely considered, and with scrupulous impartiality examined, the reports of well-informed persons and respectable corporations who were consulted, it was the belief of his Majesty's Government that the demand for indemnifying the citizens of the United States for losses which they declare to have suffered in the dominions of Spanish America would never be renewed; because it appeared to them that the reasons alleged in that note would satisfy the Government of the United States of the justice and necessity of a refusal, which, though it proceeded from his Majesty's conviction of its propriety, was yet given by him with much regret, from his disposition, both then and now, to gratify the Government of the United States, his allies, as far as the important nature of his duties would permit.

This expectation has, unfortunately, been put an end to by your excellency's note of the 8th of May last, in which you reproduce the objections made by Mr. Everett to the arguments of my aforesaid communication, and persist in a demand which, I am sorry to say, cannot be complied with.

His Majesty, however, before ordering me to make this declaration, directed that the circumstances of the case should be considered anew, and recommended his council of ministers to pay particular attention to the arguments contained in your above-mentioned note previously to their coming to a definitive conclusion. But the council, after complying with this injunction, did not find in that note, more than in the preceding one, any motive for departing from their former deliberate resolution; and his Majesty, in conformity with their opinion, has considered it his duty to confirm his decision not to enter into any convention which, by admitting the principles alleged by the United States, would subject him to the recognition, *en masse*, of the claims of their citizens; the more especially as, in the present friendly state of the relations between the two countries, there is nothing to prevent the claims of each of them from being established and promoted individually, or to hinder the tribunals of the kingdom from deciding on them, on view of the proofs that may be presented in their support, with that impartiality which is peculiar to them.

Being empowered by his Majesty to state to your excellency the light in which his Majesty's Government regard this subject, I proceed to manifest the basis on which they chiefly found their opinion in relation to it.

In the first place, the unsupported blockades of General Morales are not considered by his Majesty's Government, nor were they at the time, as any thing more than a mode rather military than diplomatic, which that commander and others, left as they were to themselves and harassed by the enemy, adopted for the purpose of intimating to foreign nations that the India laws prohibiting the trade with the colonies were in full force. To have suffered this trade to have been carried on with impunity would have been the same as to afford our adversaries the means of protracting their resistance, while they were themselves in the greatest distress, owing to the state of the mother country at the time. And even had the royal order of December 22d, 1822, by which the blockade of General Morales was revoked, not been issued, as it was at a time of anarchical confusion in Spain, the consequence which your excellency deduces therefrom could not possibly be admitted, to order the cessation of a blockade which in fact did not deserve that name. To disapprove the form of a Government measure is not, as your excellency states, the same as to declare such a measure illegal as respects the prohibition of trading with the colonies, and its tendency to provide for their defence by the adoption of such measures as are held lawful by all nations, and were necessary to prevent the enemy with whom we were engaged from receiving any assistance, especially of a warlike kind. Neither was it a proof of the renunciation by Spain of the prohibition in question, and which was proclaimed in a special code, that, from the extraordinary circumstances of the contest and the situation of the metropolis, she tolerated violations, which it was not at the time in her power to prevent, of the India laws relating to this trade. This unjustifiable ("abusiva") toleration on the part of the military and civil authorities was productive of great advantage to the insurgents; it afforded some the means of enriching themselves, and was encouragement to others to persevere in their resistance; but it did not imply the derogation of pre-existing laws, nor the concession of a free trade, which till then had been prohibited. The derogation of the former and the concession of the latter only began on the 9th of February, 1824, when his Majesty issued his decree to that effect. It also seems unnecessary to remind a Government so enlightened as your excellency's of the principles of common law, in virtue of which his Majesty, as absolute owner of those regions, had a right to act as might seem to him most suitable to his interests.

That the Government of the United States should have recognised the new Governments of America as independent States is no reason why his Majesty should regard them as any thing more than the result of a rebellion among his vassals, aiming at an independence which he has refused to grant them. General Morillo, as a military commander, may have made whatever stipulations he chose with Bolivar, but it never was in his power, nor was it his intention, to recognise the independence of the territory occupied by the latter. Had he done so legally, the cause for hostilities would have ceased. The argument which your excellency deduces from the armistice between the two belligerents in 1820 is therefore inadmissible, as far as it relates to the free trade of the colonies; and, making use of the same weapons, it might also be retorted, in respect to the blockade of the Spanish main, that, as the United States have recognised the independence of Colombia, and as the territorial responsibility of kingdoms or states and their Governments is a charge annexed to the sovereignty and possession of the soil, his Majesty cannot consent to be prosecuted ("demandado") as King of the Spanish main by a Government that no longer recognises him as the sovereign, but on the contrary has recognised another as lord of that territory.

Another of your excellency's arguments is the precedent of the concession made to Great Britain in 1823. To this often-repeated insinuation, which does not in fact constitute an argument, no other reply can possibly be made in addition to the one contained in the aforesaid note from this Department. The burdensome convention to which your excellency alludes, and which weighs so heavily on this impoverished nation, filled the paternal heart of his Majesty with bitterness, and is a warning to his Government to abstain in future from yielding in similar cases, and when not required by strict justice, to their inclination to comply with the wishes of friendly cabinets. Besides, to make no merit of the occurrence which preceded the conclusion of that convention, when his Majesty sanctioned it by his ratification, the articles were already settled and all the formalities observed which are usual in such cases. The claims presented by your Government had not yet assumed this character, and never went beyond a discussion in which your excellency and your predecessors set forth arguments which were not found conclusive. The equality of circumstances, therefore, which your excellency appeals to in support of the demand, is not available in this case.

Neither do the most favorable communications received by the American legation on this subject at different periods, and referred to by your excellency, lead to any conviction. Those communications contain no positive promise of entering into a formal settlement of the kind proposed by your excellency's cabinet. The secretaries who preceded me in this Department finding themselves, perhaps, greatly embarrassed on their first entrance into office by the examination of a subject with which they had no previous acquaintance, and perplexed by the complicate and imperfect nature of the details, could do nothing more in the first instance but apply for explanations. As these explanations could only be received after great delays, and as in the meanwhile the representatives of the United States pressed them for an answer, their recourse would naturally be to reply in such terms as seemed to them best calculated to express the benevolent disposition of the royal mind; or, in other words, the desire of the King to bring this question to an early and amicable conclusion. At length, after a deliberate consideration of the subject by those who were appointed to examine it, and after the principal circumstances relating to it had been so strictly investigated as to leave not the slightest doubts on their minds, the King, my august master, came to the resolution of approving the communication made on the 26th of January, 1828; which he also now ratifies.

To that communication I beg leave to refer your excellency for an answer to your notes on this subject, in a spirit of amity, dictated by the advantages accruing to both countries from the permanence of their existing relations. And as an unequivocal proof of this friendly feeling, I have the satisfaction to repeat to your excellency, in the name of his Majesty, that any claims of American citizens against this Government for injuries done to them by cruisers, or for the unlawful detention of their property by the Spanish authorities, will be received and attended to agreeably to the merit of the cases, respectively, in the same manner as your Government will also do justice to any claims of a like description that may be presented to it by the subjects of the King, my master.

The same friendly disposition which prevails in his Majesty's cabinet in favor of the United States has led to a fixed determination on their part not to resort to fresh recriminations, and makes it a duty in me not to reply in detail to the observation of your predecessor, Mr. Everett, who, in his efforts to repel the arguments of my note of January 26, 1828, applies the term *vague* to an incidental charge against various citizens of the United States for having added fuel to the insurrection of Spanish America. Is it not notorious to every one who has any knowledge of the occurrences that have taken place for thirty years past, that it was among them, and especially in New York, as early as 1806, that the traitor Miranda found protection, troops, and resources, for the purpose of revolutionizing Venezuela? Is it not also well known that many of the privateers and even vessels of war of the insurgents have been built and fitted out in the United States, and that their crews were found, in some cases, to consist almost entirely of American citizens? Without taking into account the effects of an early recognition, or the approbation, encouragement, and support, which have been afforded to the designs of the Spanish American insurgents, how is it possible to reduce to a fixed sum the immense expenditure to which the Spanish nation has in consequence been subjected, or to calculate the losses which the Spaniards of both hemispheres have suffered in their industry, trade, and property? I appeal, as regards these considerations, not only to your excellency's good sense, but to your good faith, and to that of your Government, and to the reiterated representations made by his Majesty's agents to the United States.

It would afford me great satisfaction that your excellency should remain convinced, as is his Majesty and his Government, of the justice and solidity of the considerations which put it out of their power to acquiesce in the demands alluded to by your excellency. And, requesting you to transmit this communication to Washington, I renew to you the assurance of my distinguished consideration. God preserve your excellency.

MANUEL GONZALEZ SALMON.

At the Palace, *the* 31*st October*, 1830.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Manuel Gonzalez Salmon, his Catholic Majesty's Principal Secretary of State.

Legation of the U. S. of America,
Madrid, November 10, 1830.

Sir: I have had the honor to receive your excellency's note of the 31st of October, in which I am informed that his Catholic Majesty cannot comply with the demand contained in mine to your excellency of the 8th of May last, but that he has ratified the decision previously made, declining to enter into a convention to indemnify those citizens of the United States upon whose property certain spoliations have been committed by the officers and agents of his Majesty.

While it is not my intention to offer any new arguments upon the merits of the case, I deem it nevertheless to be my duty frankly to state to his Majesty's Government my conviction that the grounds upon which this confirmation of his Majesty's determination is alleged to be founded will be as unsatisfactory to the Government of the U. States as those have proved which were assigned for the original decision, and, at the same time, briefly to explain the reasons which have led to this conviction.

The blockade of the Spanish main, though heretofore sufficiently abandoned, is now expressly acknowledged to have been unsupported, and, consequently, incompetent to justify the capture of neutral property; but it is declared to have been adopted as "a mode rather military than diplomatic," of intimating to foreign nations that the India laws prohibiting trade with the colonies were in full force.

This last character ascribed to the measure in question appears to me to be more unfitted to it than any with which it has before been clothed. The act, in form, being a proper blockade, and having, in its terms, no reference to any pre-existing interdiction of the trade forbidden by it, the inference naturally deducible from its adoption would be, as I have heretofore shown, that no such interdiction existed.

How, then, could the promulgation of one measure, which implied that another had no existence, be considered as an intimation; either military or diplomatic, that such other was in force?

Your excellency is mistaken in supposing me to have stated, that, to order the cessation of a blockade is the same as to declare the measure illegal. In my note of the 8th of May, I contended that the revocation of the blockade in question, in consequence of the remonstrance against its legality by the neutral nations whose interests were concerned, followed by the convention to indemnify Great Britain for the injuries she had suffered from it, and the terms made use of in the act of the Spanish Government upon which that convention was founded, amounted to an acknowledgment of the illegality of the measure.

The declaration which your excellency has thought proper to repeat, that foreign nations acquired no right to trade with the new States on the Spanish main until his Majesty's decree of the 9th of February, 1824, can require no further answer than has been given to it in my former note; though I will merely remark that, on the same principle, the right would not to this day exist but for that decree, since those States were as free from the dominion of Spain in 1824 as they now are; at the same time it cannot fail to strike the mind with surprise that such a pretension should be persisted in after the exhibition of proofs which your excellency has not even attempted to controvert, that by the royal order of the 21st December, 1822, formally revoking the blockade, or, as it is now termed, the military intimation of the existence of the India laws, and by the documents accompanying the promulgation of that order, his Majesty himself, as well as his official organs, for the purposes of that promulgation, unequivocally recognised the legality of the trade in question, with the exception of articles contraband of war.

As it regards the treaty between Morillo and Bolivar in 1820, I did not claim, as your excellency seems to assume, that it was, or could be, an acknowledgment of the independence of the States represented by Bolivar. But the stipulation that the war should be conducted upon the same principles as between independent nations was urged by me as a sufficient acknowledgment that those with whom Morillo thus treated were beyond the immediate control of Spain, and constituted a separate party—in the sense to be entitled to the same rights, in regard to foreign nations, as their adversaries possessed.

I must confess I am unable to comprehend the force of the idea suggested by your excellency, of retorting upon me the argument I deduced from the recognition of the new States by the Government of the United States prior to his Majesty's decree of February, 1824; nor can I discover the applicability of the question of the territorial responsibility of Colombia, or the meaning of the intimation that his Majesty is prosecuted by the United States as King of the Spanish main, in a case of claims arising from captures of American property by his Majesty's cruisers, and which was taken into his own ports, and disposed of by the direction of his own officers and tribunals.

The argument on the part of the United States which has been founded upon the convention concluded by this Government with Great Britain, and which, in the opinion of your excellency, constitutes only an "often-repeated insinuation," is stated to require no other answer than that furnished to Mr. Everett; while a further one is attempted, on which I shall bestow a passing remark or two.

It is alleged that, when his Majesty sanctioned that convention by his ratification, the articles were already settled, and all the usual formalities observed; that the claims of the United States, having never gone beyond a discussion, had not assumed that character; and that, therefore, the equality of circumstances to which I have appealed is not available in this case.

Surely this can have no tendency to derogate from the weight of the argument alluded to, since it is attributable to the Spanish Government alone that the articles of a like convention with the United States have not long since been settled, and the same formalities observed.

The "equality of circumstances" for which I contended consists in the precise similarity of the origin and character of the claims of the United States with those of Great Britain; and this similarity has not been, and cannot be, denied. But the want of equality which your excellency assigns as a ground of refusal on the part of this Government to settle the claims of the United States, besides having no relation to the merits of the two cases, has actually been produced by such refusal. I trust, therefore, that your excellency, on a review of this position, will agree with me that it is not "available" in the case.

Your excellency is pleased to remark, that the communications received at different times from his Majesty's ministers, to which I have referred in my former note, contain no positive promise of entering into a formal settlement of the kind proposed on the part of the United States. By recurring to my observations in regard to them, it will be perceived that I did not claim them as amounting to a positive promise to settle the claims as proposed; but that I made use of them to show that strong encouragement of a favorable adjustment had been from time to time afforded on the part of Spain, and especially that the ground upon which the claims have been finally rejected had been previously abandoned and disclaimed. This character I am happy to find your excellency has not denied to them.

But if too much importance has been attached to those communications, particularly as the secretaries who made them are intimated to have been unacquainted with the subject, it cannot be considered improper to exhibit the grounds which the American Government had to expect a favorable issue, from assurances given by your excellency, after a thorough knowledge of the whole matter, while acting in the office which you now hold, and which were without doubt made and endeavored to be fulfilled with the utmost sincerity.

In a note to Mr. Everett, under date of September 14, 1826, your excellency states that "his Majesty's Government have under their most serious consideration the important question of the reciprocal claims of the two countries, with a fixed intention of settling them in a manner that may be satisfactory to both."

In a despatch to the American Government, bearing date the 16th of October, 1826, Mr. Everett makes the following statements in relation to this subject: "Mr. Salmon still constantly affirms that the business shall be settled in time for ratification this winter." Again: "In the last conversation I had with him, Mr. Salmon promised to lay the case immediately before the council of ministers, and to propose to them at the same time a counter project of a convention, substantially corresponding, as respects our demands, with the project I have submitted to him, but containing some additional stipulations with regard to theirs."

In a despatch of Mr. Everett of the 7th November, 1826, I find this passage: "the assurances of Mr. Salmon are so explicit that I cannot distrust them. He has put the papers into the hands of Mr. Heredia, and directed him to draw up the counter project in reply to my project of a convention. He told me yesterday that he expected every day to receive this counter project, and that, immediately upon receiving it, he should lay it before the council of ministers, with his own opinion in favor of concluding a convention at once, and he had no doubt that such would be the result."

And on the 3d of December Mr. Everett writes to his Government that the question of the claims had been referred to the Council of State; that the ministers were to assist in the discussion; and says, "Mr. Salmon has assured me that he would give to our project the whole weight of his influence."

Thus has it been made to appear that, in attempting to controvert a few of the arguments contained in my note of the 8th of May, your excellency, having by some means or other misapprehended each one that has been selected for remark, has replied to arguments not produced by me, but growing out of some misapprehension; so that all the arguments in that note remain entirely unanswered.

The willingness expressed on the part of his Majesty's Government to receive and attend to the claims of American citizens individually, I apprehend will not be received by the Government of the United States as the offer of so special a favor, or so unequivocal a proof of friendship, as your excellency appears to imagine. It is believed to be common among all nations to receive and examine any particular claims that may be presented in behalf of the citizens or subjects of a Power with whom the Government appealed to is at peace, and has the usual diplomatic intercourse.

But where there are mutual claims, various in their character, and tedious in their details, the practice of instituting international tribunals to investigate and to decide upon them has generally been resorted to as the most, if not the only, practicable mode of a final and amicable adjustment. In the present instance this course would not only be peculiarly appropriate, but seems almost indispensable to a satisfactory conclusion of the matters in question; since an attempt to proceed in the way proposed by your excellency, it is evident, from the discussions that have taken place, as well as from the form in which the proposition is stated, would, in a great measure, prove useless, if not worse.

In concluding this communication, I would gladly avoid the disagreeable task of noticing the closing remarks of your excellency; but my duty to the Government which I have the honor to represent demands otherwise, and its calls will not be disregarded.

Those remarks are not in reference to any thing contained in my former note; they have no connexion with the merits of the present discussion; they are not of a recriminating nature, because not founded upon any of a criminating kind, and therefore themselves constitute a crimination; they are admitted to be predicated exclusively upon a mild and defensive expression, applied by Mr. Everett to the same general charge which is now made; and, lastly, they are introduced at this time under the singular character of a friendly forbearance from recrimination.

The Government of the United States, convinced itself of having observed a fair and honorable neutrality in the war between Spain and her late colonies, does not shrink from a proper investigation of its conduct. And if in such examination it should be found, contrary to its expectation, to be justly liable to make satisfaction to Spain for any act of its own, or any proceedings of the citizens of those States, it will cheerfully and promptly do it; and it is willing and ready, as the Government of his Majesty has been informed, first by Mr. Everett, and recently by myself, to agree to the establishment of an appropriate tribunal to enter upon such an investigation, including at the same time all other claims on both sides. This proposition, thus made and repeated, is rejected by Spain, and yet at the very moment of this rejection she renews her crimination. And, as if to avoid a just reapplication of the term *vague*, she introduces among them the old case of Miranda, which, so far as the Government of the United States was considered responsible for the acts of the persons concerned, is expressly declared by the treaty of 1819 to have been settled. Can any thing more than this simple statement be necessary to exhibit the remarks alluded to in their true character?

I will barely subjoin the remark, that while I do not mean to call in question the sincerity of the friendly profession on the part of his Majesty towards the United States, my views of my own duty direct me to a different course, for the purpose of manifesting the friendship and forbearance of my Government towards Spain, from that which your excellency has seen fit to adopt on the part of his Majesty.

Having now fulfilled, to the best of my judgment, the instructions of my Government on this important subject, I shall wait its further acts and directions in regard to it.

Renewing to your excellency the assurance of my respect and esteem, I have the honor to remain

Your excellency's obedient servant,

C. P. VAN NESS.

His Ex'y Don Manuel Gonzalez Salmon,
Principal Secretary of State.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 11.] Legation of the U. S. of America,
Madrid, December 6, 1830.

Although there is at present no prospect of an arrangement on the part of this Government for the settlement of the claims of the United States, yet, in view of a possibility that the negotiation may hereafter be renewed, I should be pleased to receive the instruction of the President on the following point:

Must a stipulation, at all events, be insisted on, that the claims in consequence of captures under the blockade now acknowledged to have been illegal, and also on the ground of the colonial interdiction, shall be allowed and settled; or will it be proper, in the last resort, to submit the whole subject, on the general principles of equity and justice, and the laws and usages of nations, to a board of three commissioners, one to be appointed by each Government, and the third to be determined by lot?

It appears by Mr. Everett's despatch to Mr. Clay, bearing date the 12th September, 1826, that it was his intention to agree, if necessary, to the last plan above mentioned. It strikes me that such a course would place the whole amount of our claims subject to the cast of the die; but I wish to be particularly apprized of the views of the President in this respect, that I may be prepared to act should an occasion still require it.

Mr. Van Ness to Mr. Van Buren.—[Extract.]

[No. 12.] Legation of the U. S. of America,
Madrid, December 13, 1830.

Sir: It having appeared to me that a few suggestions on the present posture of our concerns with this Government, in addition to those I have already had the honor to communicate to you, might be useful if not important, I proceed to make them.

If it should be determined by our own Government to resort to no strong measures in relation to the claims upon Spain, but to proceed, as proposed, to their establishment individually, directly to this Government, it would become necessary, in my opinion, to appoint an agent specially to attend to them. Each case ought to be thoroughly examined and judiciously abstracted, and the testimony prepared for its establishment; and when these steps shall have been taken, then to be presented and explained to the person authorized by this Government to receive and attend to our claims. The minister here would, of course, be ready to afford any assistance in his power and that might be thought serviceable.

The secretary of the legation might attend to this business, if appointed for that purpose, and allowed a reasonable compensation, with a sufficient allowance for clerk hire, to assist in the mechanical duties, or, if it should be preferred, a suitable person might be sent from the United States. In either case all the information in the Department of State, and of which the Government might otherwise avail itself, would be necessary to be forwarded.

To pass over the present rejection of our claims would, in my judgment, be tantamount to an abandonment of them. Some new course, therefore, appears to me to be indispensably necessary at this time, if they are not to be given up.

Mr. Van Ness to Mr. Livingtson.—[Extract.]

[No. 18.] Legation of the U. S. of America,
Madrid, July 1, 1831.

I have been some time in expectation of receiving further instructions on the question of our claims against this Government, and I beg leave respectfully to request that you will call the attention of the President to that subject.

As it respects yourself, having newly come into the charge of the Department over which you, have now the honor to preside, I will take the liberty to refer you, for a full understanding of this question, and of my position in regard to it, to a note addressed by me to this Government on the 8th of May, 1830, which was sent to Mr. Van Buren with my despatch No. 4, under date of the 20th May, 1830; to a part of my despatch No. 7. dated August 25th, 1830, accompanied by a short note from Mr. Salmon, and my reply thereto; to a part of my despatch No. 8, dated October 9, 1830; to my despatch No. 10, dated November 15, 1830; together with the final answer of this Government rejecting the claims, and my reply thereto; and to my despatch No. 12, dated December 13, 1830.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 26.] Legation of the U. S. of America,
Madrid, January 25, 1832.

Sir: I have the honor to inform you that Mr. Randolph arrived here in the night of the 11th inst., and on the 12th delivered to me your despatch No. 28, under date of the 17th October last.

In pursuance of the instructions of the President contained in that despatch, I immediately prepared a note to the Minister of Foreign Affairs on the subject of our claims, a copy of which is herewith forwarded, and which was actually delivered with the requisite translation on the 16th.

Mr. Salmon died on the 19th inst., but having been ill for some weeks, Mr. Calomarde, the Minister of Grace and Justice, had on the 15th been appointed by the King to take charge of the Department of State *ad interim*, which arrangement will probably remain for the present.

On the 22d I had an interview with Mr. Calomarde, in which I repeated the substance of what was expressed in my note in regard to the desire of the President to preserve the friendly relations between the two countries, and his hope that some course would be adopted by this Government to prevent any interruption of them, at the same time particularly urging the necessity of an early answer to the note.

Mr. Calomarde declared it to be the wish of the King's Government to maintain the existing amicable state of things, and said that, as soon as he could make himself acquainted with the merits of the claims, which he had not had sufficient time to do, he would enter with me upon the merits of the case.

Of the prospect of a settlement at this time I am not yet able to form an opinion; and it is much to be regretted that the present circumstances of the Government and of the royal family are not favorable to the despatch of public affairs so important as the case in question.

Independently of the recent decease of Mr. Salmon, the King is not, nor has he been for two or three months past, in good health, and the confinement of the queen is expected from the 1st to the 10th of next month, an event to which the whole nation look with intense interest, the one party in the hope of the birth of a prince, and the other deprecating such an issue.

But, under all these disadvantages, combined with the unfortunate but unavoidable delay in the arrival of the bearer of your despatch, I shall endeavor to bring the business to a point, so that Mr. Randolph may proceed within a month from this time on his return to Washington by the most direct and certain route.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Francisco Tadeo Calomarde, his Catholic Majesty's Secretary of State ad interim.

Legation of the U. S. of America,
Madrid, January 14, 1832.

Sir: Having transmitted to the President of the United States the note of his excellency Mr. Salmon, his Catholic Majesty's Secretary of State, bearing date the 31st of October, 1830, in answer to mine addressed to him on the 8th of May of the same year, in relation to the claims of certain American citizens upon this Government, for illegal captures and condemnations of their property; and the same having been duly examined by the President, I am specially instructed by him to state to his Majesty's Government his views thereupon, and to ask for such explanations as appear to him to be necessary.

The President is unwilling, while in his mind there is room for a doubt, to consider the note alluded to as containing a positive refusal to make compensation for vessels and cargoes belonging to citizens of the United States, solely on the ground that they were engaged in commerce with the States of America formerly colonies of Spain; a refusal so wholly repugnant to the reasons on which the captures were attempted to be justified, so directly at variance with the assurances and hopes held out to us by the former minister of his Majesty, as well at his present minister, and entirely destitute of all support from the acknowledged law of nations.

Nor can he be convinced, without a more positive declaration, that his Majesty has one measure of justice for Great Britain and another for the United States; an ample measure for claims urged in the outset by threats, it is understood, of immediate force, and a scanty one for those addressed in a friendly manner to his justice and sense of right, and discussed with a patience and forbearance which, under similar circumstances, it is believed, have never been exceeded if ever equalled.

And relying, also, as the President does, upon his Majesty's desire, so repeatedly declared, to preserve and to strengthen the friendly relations between the two countries, he cannot consent, until absolutely compelled to do so, to put a construction upon the note in question that would make it contradictory of all amicable dispositions.

The doubts of the President in regard to the construction of that note have arisen from the manner in which the offer is introduced and repeated therein; to receive and examine the claims of American citizens individually, supposing it possible that, from a particular preference to that mode of adjustment, it may not have been intended to insist on the same principles of defence as in the other case.

I am therefore instructed by him to ask of his Majesty's Government an explicit declaration, whether by that offer it is to be understood that the claims, when presented separately, will not be objected to on the ground of the property captured being engaged in trade with the new American States, or whether it is intended to apply to them the old laws regulating the colonial trade, when thus presented, in the same manner as is done when they are brought forward *en masse*.

If the explanation required should be in conformity with the first ground stated, the claims will without delay be individually presented for examination; and it will be expected that, on their being severally established, the full amount in each case will be paid.

I am, however, authorized by the President, in case of a determination on the part of his Majesty's Government to make at this time an amicable settlement of the matter, and provided it shall have a desire to close the business at once by a stipulation to pay a gross amount, to agree to that mode; and in such case not only to make an abatement of a portion of the interest that might be demanded, but to consult the convenience of his Majesty's Government in regard to the time of payment.

This manner of settling claims has been of late adopted as the most convenient and advantageous one by several nations, including Spain herself, and was resorted to by her as expedient, if not absolutely necessary, after three or four years of labor under a mixed commission, in the case of the claims of Great Britain, produced by the same cause from which have originated those now under discussion.

But if the construction adopted should be that last stated in the inquiry, the negotiation will then be considered as finally closed, and the subject will be submitted by the President to the Congress of the United States, the constitutional tribunal to decide upon the measures to be pursued in the last resort, in all cases of this kind.

With reference to such a result, I am directed by the President to state that, while the obligations of his office have required him to urge the claims of his constituents upon foreign Governments, it has been his determination to make no demands that he did not deem founded in clear right, but to prosecute to the extent of his constitutional powers all such as he should fully believe to be just; and that the claims which form the subject of this discussion are of the latter description.

That he will, therefore, feel himself compelled, whatever may be his regret that an object of such comparative insignificance should for a moment disturb the harmony between the two countries, in laying the case before the representatives of the nation, to represent it as one in which friendly negotiation has been entirely exhausted, and which can be viewed in no other light than as an unfriendly and final denial of the clearest justice. The President is fully aware that the essential interests of both nations consist in maintaining the best intelligence with each other, and that any interruption of such intelligence might produce the same inconvenience to the United States that it would to Spain; an inconvenience perhaps greater in this case than the advantage of receiving the amount which is claimed; yet, having no alternative, that consideration can make no difference in the performance of his duty.

The Government of his Majesty, however, has it in its power to preserve and even to strengthen its friendly connexion with a friendly nation, desirous to perpetuate and increase the existing relations of amity and commerce, at no other expense than that of rendering compensation for property actually taken from American citizens, and for the capture of which no other justification is finally offered than one which was not only wholly abandoned in the case of similar claims on the part of Great Britain, but the invalidity of which has been in various other ways evinced by the conduct of the Government of Spain itself.

The discharge of a debt thus accrued, whatever may be the ultimate opinion of his Majesty's Government, must, it is believed, under all the circumstances of the case, be viewed by the rest of the world, as it is by the United States, to be obligatory and just.

But while the President has directed me to express his sentiments, in regard to the pending question and the course which he feels himself bound to pursue, with that unreserved frankness which he considers to be due both to the station which he occupies and to the occasion upon which he is called to act, he disclaims all idea of attempting to operate upon his Majesty's Government by assuming a position which may be viewed as a threatening one.

Such a course, if he was not well satisfied as he is that it would have no beneficial effect upon this nation, would be forbidden by his own sense of propriety, and, as he well understands, by the character and dignity of the Government of which he has the honor of being the head.

On the contrary, it is to the justice and good sense of his Catholic Majesty, to his love of peace, the sincerity of his profession of friendship, and his good feelings, that the President avails himself of this occasion still once more to address himself, and from which he cherishes the hope that the evils so much deprecated may yet be averted.

I deem it proper to inform your excellency that a special messenger has been sent by the President, with the instructions on which this note is founded; and that he will remain a short time at Madrid for the purpose of taking to Washington the answer of his Majesty's Government.

As the application on the part of the United States at this time is simply for an explanation of a passage or two in the note of Mr. Salmon of the 31st of October, 1830, and as the Government of his Majesty must, of course, perfectly understand whether the one thing or the other which have been mentioned was intended to be expressed, very little time can be necessary to furnish an answer.

Yet I wish it to be understood that, whatever beyond this the Government of his Majesty may be disposed to say or to propose, in a spirit of amity, and with a direct view to the speedy adjustment of the existing controversy, will most assuredly receive all due attention.

It only remains for me to repeat what I have heretofore declared, that, being most sincerely disposed, not only to bring this question to an honorable and amicable conclusion, but in every other respect to preserve and to strengthen the friendship existing between the two countries, and to promote in each the most favorable sentiments towards the other, no exertions within my power will be spared that can in any degree contribute to the accomplishment of these desirable objects.

Tendering to your excellency the assurance of my sincere respect and esteem, I have the honor to remain your excellency's obedient servant,

C. P. VAN NESS.

His Exc'y Don Francisco Tadeo Calomarde,
Secretary of State ad interim.

Mr. Van Ness to Mr. Livingston.—[Extracts.]

[No. 27.] Legation of the United States,
Madrid, February 20, 1832.

Sir: The negotiation relating to the claims of the United States which was renewed with this Government, agreeably to the instructions of the President contained in your despatch of the 17th of October last, having been suspended for the present, I have the honor to forward by Mr. Randolph copies of the several notes which have passed between myself and Mr. Calomarde, his Majesty's Secretary of State *ad interim.*

It will be perceived by the correspondence that the increased tone of firmness and determination resorted to on the part of the United States has had a salutary effect, in the alarm which it has evidently created, and that there is the strongest reason to believe that final and speedy success is certain, if no faltering takes place in this course.

This impression, I think, will be materially strengthened by the perusal of the accompanying statement of a conversation between myself and Mr. Castillo, drawn up by Mr. Walsh, who was present, three or four days after my second note, in which an answer to the first was insisted upon by the 23d of this month.

Mr. Castillo, who is the head clerk in the Foreign Office, and who has actually performed its duties during the illness and since the death of Mr. Salmon, while Mr. Calomarde has been the nominal head, is a gentleman of much respectability and intelligence.

It was not my intention at that interview to introduce the subject of the claims, since I conceived that I had done all that was necessary on my part, until the other party should give some new or different turn to the business; but I was gratified with the manner of its introduction by Mr. Castillo, and the earnestness, and I think I may say sincerity, with which he spoke upon it. * *

It is a remarkable circumstance that it should be acknowledged, after all that has already taken place, that the merits of our claims have heretofore been but lightly examined, though I think it an advantageous one, since it would seem to furnish a sincerity against the influence of the previous commitments, and throws the whole case entirely open, after it has been twice actually closed by the same party. * *

Upon the whole, I feel it my duty to declare that I view the business not only as being in a more favorable state than before, but as in a more eligible position than it would have been had the late correspondence resulted in explanations leading to the presentation of the claims individually for the adjudication of this Government, since it is my firm conviction that we should never obtain justice by proceeding in that manner, but that, after perhaps years of labor, the question would come back to the point were it now rests. * *

If I am well founded in these apprehensions, it would seem to follow that we can only obtain justice in one of the two modes pointed out in my original instructions; that is, either by the establishment of a mixed commission to decide upon the claims, or by a stipulation for the payment of a gross sum.

I beg of the President to pardon the liberty I have taken in the expression of my opinion as to the consequences of proceeding with the claims here separately, as proposed in a certain event by my last instructions, since, from my knowledge of the manner of managing business in this country, I have deemed it my indispensable duty to make these suggestions.

I flatter myself, too, that he will discover in every part of my correspondence in relation to this subject, a faithful adherence to the instructions which he has given me, as well as the utmost exertions in my power to accomplish the objects designed by them, and in the manner agreeable to his wishes.

Entertaining, then, the views which I have just expressed, I shall not, on the resumption of the negotiation, in the first instance, press for the precise explanation that was lately demanded, but will exert myself to procure an arrangement on the one or other of the two grounds originally directed.

This course I deem to be perfectly compatible with my instructions, and to be particularly calculated to promote the views of the President, believing, as I do, that the primary object of his last instructions was to open the way for one more effort, and that under the influence of a stronger pressure upon this Government than before, to bring the business to an end in one of the two ways above mentioned.

I send you a statement of the claims of our citizens against this Government, so far as I have been able to ascertain them from the materials found with the papers of the legation, and upon which the remarks attached to it are so full that nothing need have been added.

There are two points of importance upon which I now wish for the instructions of the President. * *

The first is that stated in my despatch No. 11, of the 6th of December, 1830, respecting the form of a convention for the establishment of a mixed commission to decide upon the claims, should one become necessary; and the other is the amount of the claims, so far as you may now be able to ascertain it, but particularly the lowest sum that I may be authorized to accept, in case the offer shall be made to pay a gross amount, and the time to be allowed for the payment of it.

And I sincerely hope that these instructions may be forwarded to me as soon as possible, either by a special messenger from the United States or by being sent to our consul at Havre, with directions for him to send them from there by a messenger; as, from the uncertainty of their arrival, as well as from their nature, they cannot be trusted to the mails.

The preferable mode is to send a person from the United States, not only because it is the most safe and certain one, but because the same person, after a short delay here, will be able to carry back the final result of the negotiation. * * * * *

Translation of a note addressed to the Minister of the United States at Madrid by the Secretary of State ad interim of his Catholic Majesty.

Palace, *January* 27, 1832.

Sir: The note which I had the honor of receiving from your excellency, under date of the 16th instant, was submitted by me to the consideration of the King, my august master.

Mr. Salmon, the Secretary of State, upon whose communication of the 31st October, 1830, your excellency requests certain explanations, was at that time confined by illness; but as hopes were still entertained of his recovery, it was deemed most advisable to defer the answer till it could be communicated by that minister himself, and with all the precision desired.

These intentions, however, have been frustrated by the death of the aforesaid secretary, who directed the discussion of the subject and was acquainted with its details, and it therefore becomes absolutely indispensable to enter into a new and minute examination of the business before the decisive answer demanded by your excellency can possibly be given.

Under these circumstances his Majesty, who had no means of preventing so unforeseen and deplorable an accident, has directed that the subject of your excellency's note be taken into consideration without delay, and with all the attention that the nature and importance of the claims therein alluded to seem to deserve.

At the same time that this unfortunate occurrence renders it impossible to furnish the reply to your excellency's note in season for the transmission of it to the United States by the messenger who brought the instructions on which said note is grounded, it is believed that the regard entertained by his Majesty for the President, and the sincerity of his desire to maintain the relations of the two countries on the same friendly footing on which they happily now exist, will be considered by your excellency's Government (which has so many proofs of these sentiments) as a sure guarantee of his Majesty's intention, not only to furnish that reply within a reasonable time, but in doing so to keep justice strictly in view, which is as much the wish of his Majesty as it is the expectation of the President.

Of this your excellency can, if you please, send every assurance to your Government by the messenger above mentioned, in the firm reliance that no more time will be employed in communicating his Majesty's decision than may be absolutely necessary.

I embrace this opportunity of assuring your excellency of my great respect and esteem; and have the honor to be your most obedient servant,

F. T. CALOMARDE.

To his Exc'y C. P. Van Ness,
Minister of the United States.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Francisco Tadeo Calomarde, Secretary of State ad interim of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, January 28, 1832.

Sir: I have had the honor this day to receive your excellency's note of yesterday, in which it is stated that, in consequence of the death of Mr. Salmon, a new and minute examination of the question of the claims has become necessary, in order to furnish the explanation requested in my note of the 14th instant, but which is alluded to by your excellency as of the 16th, and also that such explanation cannot be given in season for the transmission of it to the United States by the messenger who is waiting here for that purpose.

I beg leave to call the attention of your excellency to the fact that Mr. Salmon, in the note to which the present correspondence refers, expressly stated that the decision communicated by him had been originally made by his Majesty's council of ministers after a mature and impartial investigation of the subject; and that, upon a second consideration, and a particular examination of the arguments contained in my note of the 8th of May previous, by the same council, such decision was confirmed.

The determination, therefore, was not one of Mr. Salmon individually, but of the council of ministers; and your excellency is of course aware that no change has taken place in that council, with the exception of the loss of that gentleman, since those examinations and decisions were made.

I will here take the liberty to repeat to your excellency that the explanation now asked for on the part of the United States is, simply, whether it was intended, by the decision thus made and confirmed, to apply to the claims, when separately presented, the colonial interdiction which was made the ground of the refusal to enter into a convention for a general settlement of them.

Now, admitting, as represented by your excellency, that Mr. Salmon directed the details of this business, it will at once be seen that this explanation is not a matter of detail, but involves the principles of the decision, or, at least, the extent of their application, and must necessarily emanate from the same council by which it is said those principles have been already twice so fully investigated.

I flatter myself, therefore, whatever may be the temporary interruption to the affairs in general of his Majesty's Government, in consequence of the death of Mr. Salmon, that your excellency, on further reflection, will be satisfied that such interruption is not necessarily applicable to the question now presented.

If, indeed, the answer to the present inquiry should be of the nature to lay a foundation for a just and amicable termination of the matter in question, some little time might then become necessary for the arrangement of the details of the business; but that would be a different thing from the mere act of giving, in the first instance, the necessary answer to such inquiry.

But if his Majesty's Government should continue its view of the necessity of delay, as expressed by your excellency, I feel myself compelled to declare that I think the Government of the United States will be much surprised to learn that a third minute examination of the same question, and by the same persons, should be deemed necessary to furnish the desired explanation, or, at least, that so much time should be required for that purpose.

It is my duty further to state to your excellency that I am directed by the President to inform his Majesty's Government that an omission to furnish the explanation asked for by the 15th of February will be considered as a refusal to do so, and will close the negotiation on the subject in question.

At the same time I deem it proper to add that the President, when the despatch containing this direction was forwarded from Washington, probably anticipated a somewhat earlier arrival at Madrid of the messenger who brought it, and for that reason I have determined to detain the messenger until the 23d of February.

At that time the correspondence which has taken place, and any further notes that may pass between us, will be forwarded to Washington; and, notwithstanding the view which I have taken of the subject, it will rest with the Government of the United States to determine how far and in what manner it will be influenced by the reasons for delay which have been assigned by your excellency, or by any thing that may, in the mean time, be further said on the part of his Majesty's Government, provided no decisive step shall be taken towards an adjustment of the existing controversy.

Renewing to your excellency the assurance of my sincere respect and esteem, I have the honor to remain, &c.,

C. P. VAN NESS.

His Exc'y Don Francisco Tadeo Calomarde,
Secretary of State ad interim.

Translation of a note from the Principal Secretary of State of his Catholic Majesty to the Minister of the United States.

At the Palace, *February* 10, 1832.

Sir: The King, my august master, after listening with uninterrupted attention to the perusal by me of the note which your excellency addressed to this Department, under date of the 28th of last month, acknowledging the receipt of mine of the 27th, has authorized me to make the following reply:

His Majesty has learnt with much regret, that neither the assurances given to your excellency that no time would be lost in transmitting to you the desired explanation, nor the multiplied proofs of the religious integrity which characterizes my sovereign, have been sufficient to prevail on your excellency to desist from the peremptoriness of your application for an answer, which, just at this moment, it is impossible to furnish.

Whatever might be the arrangement which the Spanish cabinet might agree to, none could be adopted without the necessary previous meditation; for his Majesty's Government is scrupulous in contracting engagements, because it never fails to comply with them. And if his Majesty, compelled by the high duties imposed on him by Divine Providence, should be brought to the disagreeable necessity of giving such explanations as might not be satisfactory to his friends, he would wish at least (in compensation for the pain it would give him) so effectually to justify his decision on right reasoning, and on the opinion of the enlightened and impartial men he might consult, as to leave no room for apprehending that a want of condescension on his part was the result of a want of benevolence or of indifference in respect to the maintenance of relations which he holds in so much value.

His Majesty, therefore, does not see any reason why your excellency or the President of the United States should consider him as having refused the desired explanation if not furnished by the 15th instant, assurance having been given that said explanation would be transmitted within such space of time as might be reasonable and absolutely indispensable.

Permit me also, in my turn, to observe to your excellency, that is has been somewhat painful to his Majesty, and to the Government, that the promise given should seem to be doubted, and that a question of so much importance should be so hastily pressed upon him. As his Majesty is satisfied of the sincerity of the friendly sentiments professed towards him by the United States, he is the more surprised at a demand urged so vehemently, and in a manner not much in unison with those sentiments.

His Majesty, however, flatters himself that your excellency's Government will conclude to wait a little longer for the desired explanations, without attributing this delay to any thing more than to a desire of deciding with that fairness which is inseparable from good faith, and which gives stability to contracts and relations of every kind. Should, unfortunately, the Government of the United States regard this circumstance in a different light, (which if they take it properly into consideration can scarcely happen,) his Majesty, greatly as he may be distressed by so untoward an event, will find an extenuation of his grief in the conviction that, to avoid it, he has been guided by the rectitude of his intentions, and that these intentions will be universally estimated at their due value.

Any further discussion of the question at this moment is unnecessary. His Majesty, far from wanting to break off the negotiation, only wishes that his Government should be allowed a short respite in order to meditate; and this wish, no doubt, will be considered as just as it is natural, if your excellency, in that spirit of impartiality and conciliation which distinguish you, will represent it to the Government in its proper light.

I renew to your excellency the assurances of my high consideration, and have the honor to be your most obedient humble servant,

F. T. CALOMARDE.

His Exc'y the Minister of the U. S.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Don Francisco Tadeo Calomarde, his Catholic Majesty's Secretary of State ad interim.

Legation of the United States of America,
Madrid, February 14, 1832.

Sir: I have the honor to acknowledge the receipt of your excellency's note of the 10th instant, in reply to mine of the 28th of January, and at the same time to assure your excellency anew, that copies of that and of the other which have recently passed between us on the same subject will be forwarded without delay to the President of the United States.

I am not aware that any further observations are necessary on my part, except to notice a remark or two of your excellency's, which appear to me somewhat of a personal nature.

I disclaim entirely the idea of having, in any degree, doubted the assurance on the part of his Majesty of a determination to furnish the desired explanation within such time as might be thought by him to be reasonable.

The remarks which I made on that point, and from which such an inference appears to have been drawn, were intended to show that the circumstances of the case were such as not to require a long time to comply with the application made on the part of the United States, and therefore, at most, ought only to be considered as exhibiting a difference of opinion as to what would be a reasonable time for that purpose; a question of which both parties have the means as well as the right of judging.

I beg leave further to observe to your excellency, that I flatter myself that nothing in the intercourse which I have had with his Majesty'y Government can have afforded ground for a suspicion of a disposition on my part to treat with disrespect or a want of confidence any assurance or engagement emanating from his Majesty.

In regard to my having persisted in the peremptoriness of the application, as your excellency is pleased to term it, it is sufficient for me that I acted under positive instructions from the President; instructions from which I did not feel myself at liberty to depart, notwithstanding some occurrences here which the President could not have foreseen, and of the sufficiency of which for the delay required the Government of the United States, as I have before stated, will determine.

The additional remark of your excellency, that the application in question has been urged in a manner not in unison with the sentiments of friendship professed on the part of the United States, and of the sincerity of which his Majesty declares himself satisfied, I cannot but persuade myself must have been hazarded without a due consideration of all the circumstances of the case, especially some peculiar points in the previous negotiation between the two Governments on this important subject.

In conclusion, I will venture the remark that, from the uniform treatment which Spain has received from the United States, and especially as it regards the matter in question, there can be no reason to doubt that the Government of the United States will act at this time towards that of his Majesty, not only with justice, but with all the indulgence that may be consistent with an unwavering determination to bring this long-pending controversy, in one way or another, to a speedy and final issue.

Improving this occasion to renew to your excellency the assurance of my sincere respect and esteem, I have the honor to remain your excellency's obedient servant,

C. P. VAN NESS.

His Excellency Don Francisco Tadeo Calomarde,
Secretary of State ad interim.

Mr. Van Ness to Mr. Livingston.

[No. 31.] Legation of the United States,
Madrid, March 20, 1832.

Sir: I have the honor to forward, herewith, a copy of a note addressed by me to his Majesty's new Secretary of State, calling his attention to the question of our claims, and a copy of another on the subject of the commerce between the two countries.

In regard to these interesting matters, I have nothing new to communicate; but before the 1st of May I intend to commence pressing this Government to resume the negotiations which have been temporarily suspended.

I have the honor to be, very respectfully, your obedient servant,

C. P. VAN NESS.

The Hon. E. Livingston,
Secretary of State.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency the Count Alcudia, his Catholic Majesty's Secretary of State ad interim.

Legation of the United States of America,
Madrid, March 12, 1832.

Sir: I beg leave to call the attention of your excellency to the important question pending between the United States and Spain, which has grown out of certain claims of citizens of the United States upon the Government of his Majesty.

As your excellency has but very lately entered upon the duties of the office which you have now the honor to fill, I beg leave particularly to refer your excellency to the notes which have passed between your excellency's predecessors and myself on this subject, and from which a full understanding of the case may be acquired.

Those are, my note to Mr. Salmon of the 8th of May, 1830, his answer of the 31st of October after, and my reply of the 10th of November after; and my three notes to Mr. Calomarde of the 14th and 28th of January last, and of the 14th of February; and his two notes to me of the 28th of January last and of the 10th of February.

Whenever your excellency shall have had sufficient time to become acquainted with the subject, I shall expect to enter upon it with your excellency in that spirit of friendship and conciliation which has so eminently characterized the negotiations throughout on the part of the United States, and from which, if responded by your excellency, as I doubt not it will be, I entertain the strongest hopes of an amicable and satisfactory result.

Renewing to your excellency the assurance of my respect and esteem, I have the honor to remain your excellency's obedient servant,

C. P. VAN NESS.

His Excellency Count Alcudia,
Secretary of State ad interim.

Mr. Van Ness to Mr. Livingston.

[No. 34] Legation of the U. S. of America,
Madrid, April 17, 1832.

Sir: Since I had the honor to forward my despatch No. 31, bearing date the 20th of last month, accompanied by a copy of a note addressed by me to the Count of Alcudia, the new Spanish Secretary of State, on the 12th of the same month, calling his attention to the question of our claims, it has occured to me that I had not then reflected sufficiently upon the situation in which I am left with regard to this subject.

In entering upon that reflection, serious difficulties have presented themselves to my mind in coming to a decision that I have any authority to act in the case, even to receive satisfaction, if offered, until I shall receive instructions founded upon the determination of the President on the arrival of the despatches forwarded by Mr. Randolph, whether he will consider the negotiation as having been closed or not.

In view, however, of the strong probability that the negotiation will not be considered as finally closed, and of the consequent effect of a delay of some months in pressing this Government to another determination, I have struggled against a conclusion, the advantages of which would be entirely with the other party, and would be most eagerly seized upon by it.

I have, therefore, upon the whole, decided in favor of the course designated in my note to Count Alcudia of the 14th instant, a copy of which is now forwarded; and I hope the President, upon a full consideration of the peculiar circumstances in which I am placed, will approve this decision.

I have the honor to be, very respectfully, your obedient servant,

C. P. VAN NESS.

Hon. E. Livingston,
Secretary of State.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Count Alcudia, Secretary of State to his Catholic Majesty.

Legation of the U. S. of America,
Madrid, April 14, 1832.

Sir: On the 12th of last month I had the honor to address to your excellency a note, the object of which was to call the attention of your excellency to the subject of the claims of the United States, and to facilitate an examination of the case.

But fearing that the general manner in which I expressed my expectation of entering upon it with your excellency may lead to a misunderstanding of my meaning, I have concluded to declare explicitly my present situation with regard to this question.

In the first place, I am expressly directed by the President of the United States to refrain from all further discussion of the merits of the case, that, as it is believed, having been wholly exhausted.

In the second place, I do not feel authorized, without further instructions, to renew the discussion in relation to the explanation asked for in my note to Mr. Calomarde, under date of the 14th of January last; the time for its close having been fixed by the President; and, as I stated in my note to Mr. Calomarde of the 28th of January, it rests with him to direct, so far as it respects my conduct, whether it shall be extended.

But, in the last place, my power remains in full force to make a final settlement of the matter agreeably to my original instructions, in either of two ways, as shall be preferred by his Majesty's Government; the one being by the establishment of a mixed commission to examine and liquidate the claims of the United States, including in such case any claims that may be presented on the part of Spain against the United States; and the other being by a stipulation on the part of Spain to pay a gross sum as the balance due to the United States, and a liberal time to be allowed for such payment.

It will be seen, then, that I am only authorized to act upon proposals for an arrangement upon one or the other of the abovementioned grounds; and there appearing to me, from the notes of Mr. Calomarde, a prospect that his Majesty's Government, on the proffered reconsideration of the subject, would still determine to conclude a final and amicable settlement of it. My note to your excellency, of which this was an explanation, was written with a view to ascertain, as early as possible, whether that prospect would be realized

It is proper to add, however, that, from this authority remaining with me, no commitment is to be implied as to the course which the Government of the United States may be induced to adopt on the arrival at Washington of my despatches, containing copies of the late correspondence between Mr. Calomarde and myself, and until information may reach there of the adjustment of the matter, provided it should yet come to so desirable and happy a result.

Renewing to your excellency the assurance of my sincere respect and esteem, I have the honor to remain

Your excellency's obedient servant,
C. P. VAN NESS.

His Excellency Count Alcudia,
Secretary of State.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 43] Legation of the United States,
Madrid, October 6, 1832.

The Minister of Foreign Affairs is Don Francisco de Zea Bermudez, who is now at London, where he has been the Spanish minister for several years past.

On the moment of his arrival, which will probably be within a month, I will call his attention to the subject, both by a note and by verbal applications, and will use every possible exertion to bring the case speedily to a point. Mr. Capauga, the gentleman who is appointed Minister of Grace and Justice in the place of Mr. Calomarde, has for the time being the charge of the Foreign Department, though under existing circumstances I presume he will not attend to questions of this nature. But if he would, I am sure it is not best to stir the business further until Mr. Zea Bermudez enters the Department.

In pursuance of the instructions contained in your last despatch, I addressed a note to the Count of Alcudia, of which a copy is herewith forwarded. His having gone out of office renders unnecessary some further explanations to him, which it was my intention to have made verbally.

I infer from your despatch No. 3, brought by Mr. Silliman, that if the Spanish Government continues to insist on the claims being separately presented to it for examination, I am to proceed in that way. If I am wrong in this you will have the goodness to correct me.

Copy of a note addressed by the Minister of the United States at Madrid to his Excellency Count Alcudia, Principal Secretary of State of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, September 25, 1832.

Sir. I have the honor to inform your excellency that, by instructions recently received from the President of the United States, it is made my duty to present a further communication to his Majesty's Government in relation to the claims of the United States.

The President directs me to state that it never was the intention of the Government of the United States to press for a decision on the subject in question, under circumstances of great inconvenience to that of his Majesty; and that he considers the death of Mr. Salmon, the minister who has principally conducted the negotiation on the part of Spain, to have created for a time such a circumstance, and therefore to have furnished a sufficient ground to forbear making to Congress, at the last session, the communication which, under other circumstances, he would have deemed it his duty to have made.

But I am likewise directed to state that, relying on the assurances given by his Majesty's Government of a disposition to maintain the friendly relations which subsist between the two countries, he expects from them, without any unnecessary delay, such an arrangement of this question as would prevent an interruption of those relations— an event which would give him, as well as all the citizens of the United States, the greatest concern.

Your excellency will perceive, therefore, that I am now authorized and ready to receive and to act upon any communication which his Majesty's Government may see fit to make to me, with a view of closing this long-pending and much-agitated controversy.

On my own part I beg leave to remark, that although I am aware of the present situation of this Government, arising from the unfortunate and lamented illness of his Majesty, yet I have deemed it proper not to delay a communication by which is evinced the friendship and forbearance of the United States towards Spain, and to which at the same time an answer is required as soon as circumstances will permit.

I have only to add that a special messenger has been sent from Washington with the instructions referred to, who will remain here until I shall receive the final determination of this Government, for the purpose of conveying the same to Washington in season to be acted upon at the approaching session of Congress.

Renewing, &c.,
C. P. VAN NESS.

His Excellency Count Alcudia,
Secretary of State, &c.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 46] Legation of the United States,
Madrid, December 5, 1832.

Sir: I have the honor to inform you that Mr. Zea Bermudez arrived here on the 28th ultimo, and entered upon the duties of his office on the 29th. On the 30th he received introductory visits from all the Foreign Ministers.

Although I had no idea of introducing, at that interview, any of the questions which we have pending here, yet after some general remarks upon the relations between the two countries, he mentioned the subject himself, which led to a conversation of some length in regard to it.

Without thinking it worth while to relate at this time the particulars of the conversation, I can state that I have the utmost confidence that the question will be brought to a final issue soon; and I incline to the opinion that it will be an amicable and satisfactory issue.

These hopes, however, are founded upon the supposition that the present state of things here will not very soon be broken up. And of this I think there is little danger while the King lives; but I consider his situation to be very precarious.

I forward herewith a copy of a note which was sent to Mr. Zea Bermudez on the day of its date, and which it was agreed at our interview that I should furnish him with.

Mr. Van Ness to Mr. F. de Zea Bermudez.

Legation of the U. S. of America,
Madrid, December 1, 1832.

Sir: As the claims of the United States against Spain, which were pending when your excellency had the charge of the Foreign Department of his Catholic Majesty, in the years 1824 and 1825, remain unsettled, I beg leave to call your excellency's early attention to this subject.

Your excellency having at that time necessarily had a full knowledge of the merits of these claims, it is fair to conclude that a very short time will be sufficient to become acquainted with the present position of the case.

To facilitate this object, I take the liberty to refer your excellency to the following correspondence: A note from me to Mr. Salmon, under date of the 8th of May, 1830; his answer of the 31st of October after, and my reply of the 10th of November of the same year. Also, three notes from me to Mr. Calomarde, bearing date the 14th and 28th of January, and the 14th of February, of the present year; and two from him to me of the 27th of January and the 10th of February of the present year; and my note to the Count of Alcudia of the 25th September last.

It is proper that I should further inform your excellency that the special messenger mentioned in my last note above stated is still here awaiting the final answer of the Spanish Government on this important and long-agitated question.

It is hoped, therefore, that your excellency will furnish me with such answer so soon as may be possible, that the same may be conveyed to Washington during the approaching session of the Congress of the United States.

I improve this occasion to assure your excellency of my sincere respect and esteem, and have the honor to remain, &c.

C. P. VAN NESS.

His Excellency F. Zea Bermudez,
Secretary of State, &c.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 48.] Legation of the United States,
Madrid, December 17, 1832.

To-morrow I am to have a special interview with Mr. Zea Bermudez, by which I hope I shall be able to form some judgment as to the prospect of a settlement of the claims, and the time of Mr. Silliman's departure.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 52.] Legation of the United States,
Madrid, February 11, 1833.

In regard to the question of the claims, some correspondence and several conferences have taken place, and the prospect never has been so strong of a speedy settlement.

On the part of this Government it is unequivocally acknowledged (in the conferences) that there is justly a balance due to the United States, and a decided preference is given to the mode of settlement by the payment of a gross sum, in discharge of all claims to the present time. You will perceive, therefore, that the only difficulty now is to agree on the amount to be paid. My ultimatum (eight hundred thousand dollars) is now before this Government, and I shall probably soon receive an answer.

Mr. Silliman is still here, awaiting the result of this business, and the reasons of his detention will be fully explained by the despatches of which he will be the bearer.

Mr. Van Ness to Mr. Livingston.—[Extract.]

[No. 53.] Legation of the United States,
Madrid, May 18, 1833.

I am enabled to state that the renewed negotiations respecting the claims is coming to a point. To-morrow or the next day I am to receive a written answer to the proposition made on my part, which will contain, for the first time, an unequivocal recognition of the validity of our claims, excepting as to the amount. A specific sum will be offered as the balance to be paid us, but it will be an offer falling far short of what I am authorized to accept, and which will, therefore, drive me to the alternative of proposing a mixed commission. If there shall appear no certainty of an immediate answer to such a proposition, Mr. Silliman will start for Washington within a few days with the correspondence, and the particulars of the negotiation thus far, together with some new considerations which I will present in relation to the matter.

I cannot be more explicit in this despatch, but I beg leave to recommend that the new secretary to be appointed may be detained until the arrival of Mr. Silliman, for the purpose of conveying to me such further instructions as it may be deemed necessary to forward.

Mr. Van Ness to Mr. Livingston.—[Extracts.]

[No. 55.] Legation of the United States,
Madrid, June 12, 1833.

Sir: I have now the honor to forward copies and translations of the notes which have passed between Mr. Zea Bermudez and myself, since he came into office, on the subject of the claims, and to communicate whatever of importance has taken place in the conferences which have been held in relation thereto.

The whole has resulted in an offer to pay $600,000 in five per cent. stock of the Spanish Government, as the balance due us in settlement of all claims on both sides. Being precluded from closing with this offer, both on account of the amount and of the manner of payment, the negotiation, so far as it regards the mode of settlement by a gross sum, has, contrary to the most reasonable expectations for several months past, arrived at a stand. At the same time I have deemed it to be my duty to refer the matter once more to the President, and to await his further instructions before entering upon the step of abandoning this manner of adjustment, and pressing the establishment of a mixed commission.

In all my conversations with Mr. Zea Bermudez, he has frankly declared that, in his opinion, the United States had claims upon Spain which ought to be settled, and that he was determined to do all in his power to bring the matter to a satisfactory close with the least possible delay, often stating, however, that there were persons of high influence with the King who expressed different sentiments, and were opposed to doing any thing in the business.

In an interview which I had with him on the 18th of December last, he desired me to state to him the lowest sum with which the United States would be satisfied; upon which I informed him that the claims amounted to about two millions and a half of dollars, but that the Government of the United States, having regard to the pecuniary inability of Spain, and feeling a strong desire to remove every obstacle in the way of a cordial and lasting friendship between the two countries, had concluded to take up with one million of dollars, as the balance in settlement of all claims on either side. He made no remarks in reply, except to say that the amount claimed was larger than he expected, and to request that I would address a short note to him, stating in what manner I proposed to settle the question, that he might be enabled to present the case in a clear and direct manner to the council of ministers for a decision. This produced my note to him of the 19th December.

In consequence of the notes between Mr. Heredia and myself, of which copies are also sent, that gentleman called on me on the 18th of January, and we entered at once into a discussion of the matter in dispute.

It will be proper here to mention that, previous to this, the President's message to Congress at the commencement of the last session had arrived, and that the passage relating to the Spanish claims had created an impression that a great relaxation was to take place in regard to our demands upon Spain. The frankness of the President was eagerly seized upon, and entirely misconstrued.

Mr. Heredia from the outset acknowledged, as Mr. Zea Bermudez had done, that we had claims which ought to be settled, and that although as he said Spain had likewise claims upon the United States, yet that a balance was justly due to us, which the King as well as his present ministers were extremely desirous should be settled. He added that he had been selected to confer with me on the subject, on account of the acquaintance and good understanding existing between him and myself, and from a knowledge that he was equally favorable to a just and amicable arrangement of the existing controversy.

He fully agreed with me that the preferable mode of settlement was by the payment of a gross sum, and he strenuously urged a settlement of all claims on both sides at the same time.

In regard to the balance to be paid to the United States, he urged the poverty of Spain, and the consequent impossibility of her paying a large sum; and for these reasons earnestly solicited that I would propose the lowest amount which my Government was willing to take; adding that it was evident from the language of the President that he considered the case finally as being but a small affair. I thought at first that I would adhere, at least for a further time, to the sum I had stated to Mr. Zea Bermudez; but in the course of the conversation I came to the conclusion that it was policy to reduce it to $800,000, the minimum authorized by my instructions. * * * * I stated to Mr. Heredia that, by the modification of our demands, of which the President spoke, was meant the division which I had suggested, and the willingness to exclude a part of them from the present arrangement; and that the re-examination alluded to had led to my authority for changing the sum from one million to eight hundred thousand dollars. This, while it seemed to be a satisfactory explanation of the passage in the message, also precluded the idea of my not having stated to Mr. Zea Bermudez the smallest amount which I was at the time empowered to accept. * * The truth is, that the Spanish Government has no idea of paying us any thing like the real amount of our claims; but it supposes that we are going to settle for an inconsiderable portion of it, as it is believed we have done with all the other Powers against whom we have had claims. Indeed, they expect a greater deduction than has been made in any other case, on account of their misfortunes and of their poverty. * * *

After the discussion above related, and receiving my ultimatum, Mr. Heredia left me, under a promise to see me again on the 21st of January, when he called accordingly. At this conference Mr. Heredia's exertions were, in the first place, with a view to a further reduction, on some ground or other, of the sum proposed by me at the former meeting. He urged the allowance first of $200,000, and afterwards $100,000, for Spanish claims. To these suggestions I answered that, on our part, we knew of no Spanish claims, but that the possibility of there existing something of the kind had been taken into liberal consideration by the President, in the deductions directed to be made from our claims, by which the sum had been finally reduced to $800,000, as the balance required to be paid to us.

He then insisted that we ought not to ask interest on the instalments to be paid. I answered that my instructions were as positive on that head as on any other point, and that it was but just for Spain to allow interest on the sums agreed to be paid, both on account of the liberal terms of payment and of the time which had already elapsed since the property of our citizens had been unlawfully wrested from them. He inquired whether we would consent to receive in payment some kind of Spanish stock, to which I replied that I had no authority to agree to any such thing.

Mr. Heredia left me without expressly agreeing to or rejecting the terms on which I insisted; but he assured me that he would make a report of our conferences to the Government that would, without doubt, lead to a speedy and satisfactory close of the matter; adding that I would have to do a little more. And from what he has since told me, as well as from other circumstances, I have every reason to believe that he recommended a compliance substantially with my terms.

But it appears that the offers finally made, at least, fall a good deal short of what I had reason to expect from the assurances of Mr. Heredia, as well as from the conversations generally with Mr. Zea Bermudez. The latter declares that he has labored zealously to accomplish an adjustment of this matter, but that he has at every step encountered difficulty and opposition. He states (and of this there can be little or no doubt) that the council of state adheres to all its former decisions in regard to this question, which have been uniformly adverse to any arrangement whatever. The King's present cabinet, however, that is, the ministers or heads of the departments, are united in the proposition which has now been made to us.

The Spanish five per cent. stock, of the nature of that offered to us, is worth in this market 50 per cent. In Paris, the interest being payable there, its value averages from 76 to 76½ per cent. I cannot account for this difference except on the ground that, in the last case, the stock has been issued on foreign loans, and the interest made payable abroad, from which it inspires a greater confidence, and, consequently, derives so much greater value. In London, Spanish stocks are not allowed to be quoted, on account of the refusal of the Spanish Government to assume the Cortes bonds, but are more or less traded in, and probably are worth the same as in Paris.

The stock that would be issued in this case, should our Government consent to receive it, would, I think, from the greater confidence it would command in having originated in a transaction between the two Governments, immediately bring 80 per cent. in London or in Paris. If this supposition be correct, the last offer may be considered as $480,000 cash in hand.

Not being at all authorized to receive stock, I have not been able to treat it any way except as to its value in the market. But it becomes a question whether it would not be expedient for our Government itself to make the payment to the claimants, and to hold the stock, at least for a while, considering it as a certain annual production to the amount of the interest. I make this suggestion on the supposition of a final offer of stock to an amount that it might be thought expedient to accept. The bonds or certificates would be issued of such amount each as should be desired on our part.

Although this long-pending and troublesome question is not at this moment brought to a close, yet it is certainly reduced to a position in which it has never yet stood. The claims, instead of being denied as they have always heretofore been, are now admitted, except as to their amount; and the concession that there are but the two ways suggested on our part of settling them is an abandonment of the ground heretofore taken in favor of their individual presentation—a ground, in my opinion, most dangerous on our part. * * *

That the President may have an accurate knowledge of the manner in which the Spanish Government satisfied the claims of Great Britain, and likewise those of France, I send copies of the convention with each Power. In the case of France the payment was made easier, doubtless because it was a family affair, and one in which she had an interest as well as Spain; the demand having accrued from the expenses incurred by the French in coming here to put down the constitution.

I have thought proper also to send a project of a convention for the settlement of our claims with Spain by a gross sum, and another for the establishment of a mixed commission, either one to be used as occasion may require, for the inspection of the President, that if he should deem them incorrect I may be advised accordingly.

Of the claims that have uniformly been put forth in general terms on the part of Spain, I have no knowledge whatever; nor can I call for a specification of them while I present none of those existing on our part. Mr. Heredia has spoken of one case where a Spanish vessel loaded with slaves was illegally captured, and though I believe not condemned, he said there was nearly a total loss. He also mentioned the proceedings of Commodore Porter at Faxardo, besides some more general matters. In deciding upon the last terms to be accepted by Spain, it will, of course, occur to the President whether a general discharge from her to the present time may not be worth some allowance.

As it respects the long detention of Mr. Silliman, I feel some embarrassment, because it is almost impossible for any person to perceive the force of the circumstances which have led to it, without having been a witness to them.

He arrived here about the middle of September, and just at the period when the King's illness was at its height. About the 1st of October, the King having somewhat recovered, a change of ministry took place, which brought Mr. Zea Bermudez into the Department of Foreign Affairs. This gentleman was then in England, but as it was generally supposed that he would arrive here by the first of November, I thought it best to detain Mr. Silliman until that time. The new minister did not get here until the last day of November, although he had been expected from day to day through the whole of that month. He entered upon the duties of his office about the first day of December, and, from the manner in which he treated the question of the claims from the outset, I had good reason to expect that it would be brought to a close very soon, one way or another.

In the first days of January I sent to the Foreign Department for a passport for Mr. Silliman, upon which Mr. Zea Bermudez sent for me, and requested that I would take upon myself, notwithstanding my instructions, to detain him a short time longer, repeating his assurances that something would be done in a very few days. The result of these new promises was the appointment of Mr. Heredia, which I was persuaded could not be a long business, as in fact it was not.

Mr. Heredia promptly made his report of our conferences, and Mr. Zea Bermudez thereupon assured me positively that the decision of the King upon that report would be made, and communicated to me, within a very short time. From that time until the receipt of the minister's note of the 18th of May I have regularly called on him, at least once, but more generally twice, every week, and as often received the strongest assurances of a final answer in the course of the then present week. Thus have I been kept along from one week to another, for the space of three or four months after the conclusion of the conferences with Mr. Heredia.

Copy of a note from the Minister of the United States at Madrid to his Excellency Don Francisco Zea Bermudez, Principal Secretary of State of his Catholic Majesty.

LEGATION OF THE U. S. OF AMERICA,
Madrid, December 1, 1832.

SIR: As the claims of the United States against Spain, which were pending when your excellency had the charge of the Foreign Department of his Catholic Majesty in the years 1824 and 1825, remain unsettled, I beg leave to call your excellency's early attention to the subject.

Your excellency having at that time necessarily had a full knowledge of the merits of these claims, it is fair to conclude that a very short time will be sufficient to become acquainted with the present position of the case.

To facilitate this object, I take the liberty to refer your excellency to the following correspondence: A note from me to Mr. Salmon, under date of the 8th of May, 1830, his answer of the 31st of October after, and my reply of the 10th of November of the same year; also three notes from me to Mr. Calomarde, bearing date the 14th and 28th of January, and the 14th of February, of the present year; and two from him to me of the 27th of January and the 10th of February of the present year; and my note to the Count of Alcudia of the 25th of September last.

It is proper that I should further inform your excellency that the special messenger mentioned in the last note above stated is still here, awaiting the final answer of the Spanish Government on this important and long-agitated question.

It is hoped, therefore, that your excellency will furnish me with such answer so soon as may be possible, that the same may be conveyed to Washington during the approaching session of the Congress of the United States.

I improve this occasion, &c.,
C. P. VAN NESS.

His Excellency DON F. ZEA BERMUDEZ,
Principal Secretary of State of his C. M., &c.

Copy of a note from the Minister of the United States at Madrid to his Excellency Don F. Zea Bermudez, Principal Secretary of State of his Catholic Majesty.

LEGATION OF THE U. S. OF AMERICA,
Madrid, December 19, 1832.

SIR: In the note which I had the honor to address to your excellency on the first day of this month, I took occasion to state that a special messenger, sent by the Government of the United States, was waiting here to carry to Washington, before the close of the present session of the Congress of the United States, the final answer of the Government of Spain on the claims.

I beg leave now to inform your excellency, that notwithstanding my ardent desire to consult the convenience of this Government, my instructions will in nowise admit of my detaining the messenger beyond the 8th of next month.

Considering this as one of the last communications which I may have occasion to make on the subject in question, I have deemed it proper to state at this time, rather more particularly than has hitherto been done, the character of the claims on the part of the United States, and to repeat the manner in which they can be settled.

These claims have arisen as follows:

First. From captures and condemnations of vessels and their cargoes, the property of the citizens of the United States, by the agents of Spain, in cases where the seizures were not only without foundation, but where the proceedings to obtain condemnations were wholly irregular and void.

Second. From the improper conduct or neglect of the civil, military, or judicial authorities, in cases in which vessels and their cargoes illegally captured were acquitted, but in which the property had been delivered to the captors, either without security or upon such as was notoriously incompetent.

Third. From seizures of property belonging to citizens of the United States by the commanding officers of the Spanish army in Peru, for the use of the army.

Fourth. From the illegal conduct of Spanish agents in regard to American vessels and their cargoes arriving in Spanish ports, as well as in regard to the persons and property of American citizens permanently or temporarily residing within the Spanish dominions.

Fifth. From the omission on the part of the Spanish Government to furnish documents, properly applied for, to substantiate claims according to the stipulations of the treaty of Florida.

The nominal amount of these claims is about two millions five hundred thousand dollars, exclusive of interest, and they may be settled in either of the two following modes, as shall be preferred on the part of Spain:

First. By a convention for the establishment of a mixed commission, to meet at Washington, with authority to examine and decide upon the mutual claims of the parties, and to strike the balance, which shall be paid by the debtor party within one year after the close of the commission. Or,

Second. By a convention stipulating for the payment of a gross sum as the balance due to the United States; the amount to be paid by five annual instalments, the first of which, if it should be desired by this Government, to be delayed until two years after the signing of the convention, and all bearing an interest of four per cent. per annum. The payments to be made at Paris or London.

It cannot be necessary to add any thing to what has heretofore been stated in regard to the desire of the Government of the United States to bring this question to an amicable close, nor as it respects my own anxiety to be instrumental in the accomplishment of so desirable an object.

Renewing the assurance, &c.,

C. P. VAN NESS.

His Excellency Don F. Zea Bermudez,
Principal Secretary of State of his C. M., &c.

Translation of a note from the Principal Secretary of State of his Catholic Majesty to the Minister of the United States.

Madrid, *January 9*, 1833.

Sir: The notes which your excellency did me the honor to address to me, under date of the 1st and 19th December last, on the question of the claims, have called my attention to that subject, and I have ever since devoted to the investigation of it whatever intervals of time the multiplicity and urgency of my duties as Secretary of State and member of his Majesty's cabinet, and the weak state of my health, enabled me to dispose of.

The King, my august master, whom I made acquainted with the state of this business, observing at once the unavoidable delays to which the negotiation has been subjected in its progress, as well by reason of its complicated nature as in consequence of incidental circumstances which it was not in the power of his Majesty's Government, or of that of the United States, to control, and being desirous that the question should be reduced to plain and precise terms, has conceived that the means of attaining this end would be to appoint a person to confer with your excellency, in order, if possible, to your agreeing upon a fixed basis, in conformity with the principles of justice and the laws of nations, and consistent with the decorum of the two Governments, which might serve as the groundwork of a fair and amicable arrangement of the legal claims of both countries.

It happens that Don José de Heredia is now residing at this court, which gentleman, as I informed that legation in my note of the 19th November, 1824, (when I first had the charge of the Principal Department of State,) was appointed minister plenipotentiary to Washington, with instructions to attend specially to the realization of the upright intentions of his Majesty on the subject in question. The satisfaction with which this appointment was received by your excellency's Government, as expressed by Mr. Everett in his note of the 19th April, 1825, affords strong reasons to presume that the selection of the same person for the honorable commission of treating with your excellency will not be less gratifying now than it was then.

Should your excellency approve of this idea, his Majesty will authorize Mr. Heredia to enter forthwith upon the business of his commission. And I can assure your excellency beforehand, that he will, agreeably to the wishes of his Majesty, fulfil his duty with pefect frankness and good faith; that he will avoid all unnecessary delays, and will rival your excellency in the noble undertaking of conciliating the rights and interests of the two nations, with a view to an early and satisfactory settlement of the business alluded to; such being the wish of his Majesty no less than it is that of the worthy President of the United States.

Accept, sir, the assurances of the particular respect and esteem with which I have the honor to be

Your most obedient servant,

FRANCISCO DE ZEA BERMUDEZ.

Copy of a note from the Minister of the United States at Madrid to his Excellency Don Francisco Zea Bermudez, Principal Secretary of State of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, January 11, 1833.

Sir: I had the honor, last evening, to receive your excellency's note of the 9th instant, by which I am informed that his Majesty, being desirous that the question of the claims should be reduced to precise and plain terms, has conceived that the means of attaining this end would be to appoint a person to confer with me, in order, if possible, to our agreeing upon a fixed basis, in conformity with the principles of justice and the law of nations, and consistent with the decorum of the two Governments, which might serve as the groundwork of a fair and amicable arrangement of the legal claims of both countries.

Your excellency further states that, should I approve of this idea, Don José de Heredia will be selected for this purpose, and that he will be forthwith authorized to enter upon the business of his commission, in the prosecution of which he will avoid all unnecessary delay; and that he will rival me in the noble undertaking of conciliating the rights and interests of the two nations, with a view to an early and satisfactory settlement of the business alluded to.

In regard to reducing the question to precise and plain terms, it appeared to me that this was done by the note which I had the honor to address to your excellency on the 19th ultimo, or at least so far as to enable your excellency to furnish some definitive answer on the part of his Majesty's Government.

As respects the mode proposed by your excellency for the accomplishment of the object stated, it may naturally be supposed to occur to me that the same course was adopted by his Majesty's Government in the year 1826, as announced by the Duke del Infantado to Mr. Everett, in the month of May of that year, but that, so far from producing any practical result, the commissioners appointed to treat with Mr. Everett did not even enter into the subject with him, alleging the want of instructions as their excuse.

But, nevertheless, from the confidence which I repose in the justice and good faith of his Majesty, as well as of the ministers by whose councils he is at present assisted, and, moreover, from my belief that a very short time will be sufficient to determine whether Mr. Heredia and myself shall be able to come to an understanding, I have concluded to assent to the proposal of your excellency.

And I can truly declare that no individual could have been selected, on the part of his Majesty's Government, with whom I would more cheerfully enter upon the service designed than with Mr. Heredia.

I have only to add that I shall expect him to be authorized forthwith to enter upon the business of his commission, as stated by your excellency.

I improve this occasion, &c.

C. P. VAN NESS.

His Excellency Don F. Zea Bermudez,
Principal Secretary of State of H. C. M., &c.

Translation of a note from the Principal Secretary of State of his Catholic Majesty to the Minister of the United States.

At the Palace, *May* 18, 1833.

Sir: In reply to the notes which your excellency was pleased to address to me, under date of the 1st and 19th of December last, I had the honor to inform you, on the 9th of January following, that his Majesty, from a sincere desire that the question of the claims pending between his Government and that of your excellency should be reduced to precise and plain terms, had conceived that the way to effect that object would be to appoint a person to confer with your excellency in order to your agreeing, if possible, upon a fixed basis, in conformity with the principles of justice and the law of nations, and consistently with the decorum of both Governments, which might serve as the foundation of an equitable and amicable arrangement of the rightful claims of the subjects of both countries, and I added, that the person selected for this purpose was Don Josef de Heredia.

Your acquiescence in this decision of the King, my master, and the terms in which your excellency expressed your approbation of it in your reply of the 11th of January, were to his Majesty an agreeable presage of the satisfactory termination to which he confidently hopes that the business will be brought.

The necessary instructions were accordingly furnished Mr. Heredia, who by them was directed to act in the most frank and amicable manner, to avoid on his own part all unnecessary delays, and to exert himself in rivalling your excellency in the noble task of conciliating the rights and interests of both nations, without injury to either.

Mr. Heredia faithfully reported the conferences he had held with your excellency, and stated that he agreed with you in the opinion that there were two ways only of settling the question: first, the appointment of a mixed commission, to examine, conformably to the rules and principles that might be mutually agreed on, the claims which the subjects of both countries might present, with the support of sufficient evidence; and, secondly, the payment of a gross sum in full of all claims. Mr. Heredia added, that, having left to your excellency the choice of these two modes, you had given the preference to the latter, namely, that of the payment of a gross sum.

This method also appears to his Majesty to be the most expeditious, and best suited to the circumstances of the case. But proceeding with that noble sincerity which the King, my master, has directed me to use towards your excellency, it is my duty to observe to you that his Majesty has found the two sums asked by your excellency, for the extinction of the claims of the citizens of the United States, to be quite exorbitant; namely, the one that is understood to comprise all claims indistinctly, and that which includes those only which your excellency's Government may consider as strictly justified by the laws of nations, and worthy of their immediate and prompt intervention; leaving to a future arrangement those which may be found destitute of this character.

I will not stop to enumerate to your excellency the various and very powerful reasons on which his Majesty has grounded his opinion.

The uncertainty as to the legality of many of the claims in question; the tutelary circumspection which requires of him to be religiously exact in proportioning his engagements to the resources of the treasury; and, in short, the expediency of bringing this question to a close in a manner equally honorable, just, and acceptable to both Governments, are considerations which Mr. Heredia has suggested to your excellency in his interviews with you, which I have illustrated in our conferences, and with the repetition of which it appears to me needless to occupy your excellency's attention.

His Majesty, however, guided by the principles just mentioned, and anxious to remove the slightest doubt that might exist in regard to the sincerity of his desire to see the question promptly and satisfactorily closed, has directed me to offer to your excellency, without preambles, the sum of five hundred thousand dollars, or ten millions of reals, to be paid at once in inscriptions of an equal value, on the great book of the consolidated debt of Spain, bearing an interest of five per cent., as a compensation for all the claims of the United States, whatever may be their origin or description, from the year 1819 to the day of the ratification of the convention that may be made; your excellency's Government to be absolved, in virtue of this arrangement, from all demands of indemnity that might be made to it by Spanish claimants.

His Majesty has consented to this sacrifice from an earnest desire to draw closer the bonds of friendship which subsist between Spain and the United States, and of adopting a mode of settlement which appears to him the best calculated to prevent ulterior complications and delays; as also from the hope that the Government of the United States will acknowledge, in the costly effort made, the good will and amicable disposition of his Majesty, and that, in justice to his upright intentions, said Government will, on their part, manifest a disposition to agree to a proposal so reasonable and so conducive to the accomplishment of the object desired on both sides.

Should this be the case, the details which must necessarily attend the conclusion of the convention to be entered into will be briefly arranged, agreeably to the rules generally observed of justice, convenience, and mutual release from claims. This question being thus set at rest, there will be nothing to prevent both Governments from attending, for their reciprocal benefit, to the improvement of the commercial and political relations that subsist between them, and from which so many and so valuable results are to be expected.

Renewing to your excellency the assurances of my respect and consideration, I pray God to guard you many years, and remain your most obedient servant,

FRANCISCO DE ZEA BERMUDEZ.

Copy of a note from the Minister of the United States to the Principal Secretary of State of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, May 24, 1833.

Sir: In consequence of the note with which your excellency has been pleased to favor me, under date of the 18th instant, in relation to the claims of the U. States upon Spain, it has become necessary for me again to address his Majesty's Government on that subject, and particularly to express my views of the proposition contained in that note.

To commence with the conferences between Mr. Heredia and myself, it is true that we fully agreed in the opinion that there were but two ways of settling the question: that is, first, by a mixed commission, and, secondly, by the payment of a gross sum. It is also correct that I chose the latter mode, and I ought to state that Mr. Heredia entirely concurred in that preference.

In regard to the division suggested by me to Mr. Heredia of the claims of the United States, it is proper here distinctly to record it. I stated that the greater portion of the claims were such as the Government of the United States considered itself bound to make use of all the means within its power to enforce, while the remaining portion, although believed to be just and valid against the Spanish Government, to a certain extent, and so far to be deserving of whatever aid the agents of the United Stases might be able to render in their liquidation and recovery, yet did not present a question so directly between the two Governments as to be entitled to the intervention called for in the first instance. On this ground I proposed to Mr. Heredia the settlement, at this time, of the portion first mentioned, leaving the others for future adjustment, or of the whole, as should be preferred by his Majesty's Government.

The frankness with which it was admitted that the United States had valid claims upon Spain, and that a balance was justly due to them, united with the representations of the inability of Spain to pay, and, consequently, the pressing solicitations that I would at once propose the lowest possible terms, induced me to state the smallest sum which I was authorized to take in either of the cases mentioned; that is, eight hundred thousand dollars, as the balance to be paid to the United States in satisfaction of all claims on both sides, and five hundred thousand dollars as the balance of those of the first description in the above division. At the same time Mr. Heredia declared himself decidedly in favor of settling all the claims, to which I readily assented.

I come now to the offer contained in your excellency's note, and made with a view to a full settlement of the whole case. The sum proposed is five hundred thousand dollars, but payable in inscriptions of an equal value on the great book of the consolidated debt of Spain, drawing an interest of five per cent. per annum, or, in other words, of five per cent. stock of this Government. The value of this stock in this city is fifty per cent. In Paris it is worth, the interest being payable there, seventy-six per cent. Assuming, according to your excellency's verbal explanations, that by offering stock of an equal value is meant to an equal amount, and that the interest would be made payable half yearly in Paris or London, the offer in reality, viewing it in the most favorable light, is to pay the sum of three hundred and eighty thousand dollars.

With this view of the matter, I must be permitted to express my regret at the receipt of a proposition falling so far short of the lowest terms contemplated by my Government; and to declare my conviction that, unless a further advance should be made on the part of his Majesty's Government, all hopes of an adjustment according to this mode are at an end.

I beg also to state, that although no specific sum has ever been absolutely proposed, either by your excellency or by Mr. Heredia, in the various conferences that I have held with either, yet, from all the conversations that have taken place, I could have had no reason to doubt that his Majesty's Government would have come to a different and more favorable conclusion than that now communicated by your excellency.

In the arrangement which Spain made with Great Britain for the discharge of claims of a similar character to those now in question, stock bearing an interest of five per cent., payable in London, was delivered in payment at fifty to the hundred, redeemable at fifty-five for the first four years, and at sixty after that period; and that stock, on account of the rate of interest it draws on the actual capital, is worth in the market the amount at which it is made redeemable. The Government of the United States, therefore, will in this instance find no alleviation of the regret which it has always felt in consequence of the preference invariably given by Spain to the claims of Great Britain.

But being convinced that there exists on the part of Spain, as well as on that of the United States, a sincere desire to end in an amicable manner this long-pending controversy, this drag-chain to the wheels of every movement to improve in any essential degree the political or commercial relations between the two countries, I am induced most earnestly to request that his Majesty's Government would once more take the subject into consideration, with a view, if possible, to come to a decision better calculated to produce the result so much desired.

In the event of this being declined, or of the offer made being persisted in without any material change, as the ultimatum of his Majesty on this plan of adjustment, my duty requires that I should then at once propose the other mode, that is, by a mixed commission. Had a sum been offered nearly approaching to that which I am authorized to accept, I should have deemed it proper to have submitted the question again to my Government, and to have waited for its further instructions before taking any other step in the business.

Under these circumstances I beg leave to ask, as a particular favor, that your excellency will reply to this note as soon as possible, that I may be enabled to determine upon the course which it may become necessary for me to adopt.

Renewing to your excellency the assurance of my sincere respect and esteem, I have the honor to remain

Your excellency's obedient servant,

C. P. VAN NESS.

Translation of a note from the Principal Secretary of State of His Catholic Majesty to the Minister of the United States.

Madrid, *June* 9, 1833.

Sir: I communicated without delay to the King, my august master, the note which, under date of the 24th of May last, your excellency was pleased to address to me in reply to mine of the 18th; in which, after reducing the question of the claims of the citizens of both countries to the plainest terms, I proposed to your excellency the prompt and satisfactory settlement of them by the payment of a gross sum. With a view to such settlement, his Majesty directed me to offer to your excellency the sum of $500,000, payable at once in inscriptions of equal value, on the great book of the consolidated debt of Spain, bearing an interest at five per cent.

It was his Majesty's belief that so amicable a proposal, dictated as it was by a sincere desire of conciliating the interests of the two nations, would have the desired effect of manifesting to your excellency's Government the earnest disposition, on the part of his Majesty, to remove all obstacles in the way of a complete development of the relations of friendship subsisting between Spain and the United States, and that the sum aforesaid would be deemed an adequate compensation for claims which hitherto have neither been examined nor recognised, many of which are of doubtful foundation, and of which a great part would, in the opinion of his Majesty's Government, be found liable to objections that could not fail to have great weight if submitted to the impartial consideration of a third party. The hope of bringing to a final and amicable close in this way this long-pending controversy, was an alleviation of the pain which his Majesty felt in imposing new sacrifices of this class on his beloved subjects.

It was therefore with much regret that the King, my master, learnt that your excellency was not authorized to admit the offer which, on the part of his Majesty, I had the honor to make; and your excellency will permit me to add, without any recrimination being intended, that, it has been not less painful to his Majesty to see that, while we endeavor on our part to keep all controversy out of the subject, your excellency should again mention, as an example, the transaction with Great Britain—that grievous burden which was imposed on Spain at a period of the greatest trouble and confusion in which a nation could exist; that is, in the year 1823, during the convulsive throes of a disorganizing faction: for the errors of which the Spanish people have not yet ceased to suffer.

His Majesty, however, still firm in the noble resolution of facilitating the termination of this disagreeable discussion in the manner which both parties have deemed most conducive to that object; and being desirous of giving to the United States the last proof of the sincerity of his conciliatory disposition, and of his good will in this business, has concluded to add to the sum already offered that of $100,000; that is, to direct the offer to be made definitively to the Government of the United States of the sum total of $600,000, payable, as expressed in my preceding note of the 18th instant, in inscriptions at five per cent., in the same terms as are distinctly stated in that note, in satisfaction of all the claims of the United States, whatever may be their character or denomination, from the year 1819.

This effort, which his Majesty makes with a view to conciliate the friendship of the United States, derives the more weight from the fact that the royal treasury is in a state of exhaustion. And, although in times of greater prosperity, and when a strict economy would not be so imperiously urgent, his Majesty might perhaps show a greater degree of liberality, it is not possible for him at this time to subscribe to a larger sacrifice, especially as it is his fixed intention to comply with his engagements, and not to contract obligations which it would not be in his power to fulfil without the ruin of his people, whose relief and welfare are at all times the object of his solicitude.

His Majesty, therefore, who gladly reposes the fullest confidence in the professions of friendship of your excellency's Government, has no doubt that that confidence will be responded to by the United States, and that they will recognise the fairness of the offer now made, to which his Majesty cannot, nor will he be able to make any addition.

His Majesty also hopes that the United States will appreciate in their due value the facilities proposed by him for an honorable arrangement, the effect of which will be to bring to an early and reasonable conclusion a negotiation liable to discussions of a complicated and disagreeable description, and to enable both parties to extend with mutual benefit the relations that happily exist between them.

His Majesty, moreover, from his knowledge of your excellency's well-known rectitude, is persuaded that you will represent to your Government, in an impartial report, that more frank or better sentiments could not be met with than those entertained by his Majesty towards the worthy President and Government of the United States.

Renewing to your excellency the assurances of my distinguished consideration, I have the honor to be, &c.

FRANCISCO ZEA BERMUDEZ.

Copy of a note from the Minister of the United States to the Principal Secretary of State of his Catholic Majesty.

Madrid, *June* 10, 1833.

Sir: I have had the honor this day to receive your excellency's note of yesterday, by which I perceive that the offer before made on the part of his Majesty, to pay $500,000, in satisfaction of the claims of the United States, has been increased to $600,000.

Although the sum last mentioned still falls far short of the lowest amount which I am authorized to accept, yet since a new turn has been given to the business by the proposal of a manner of payment to which I could not agree, were the offer enhanced even to the amount demanded by me, I have concluded to submit the present state of the negotiation to the President of the United States, and to await his further instructions, before definitively proposing the abandonment of this mode of settlement for that by a mixed commission.

That the case will be again considered by the President not only in that spirit of justice, but with those friendly and liberal feelings towards Spain by which all his instructions in relation to this business have been dictated, and, as I trust, executed, there can be no reason to doubt.

He will, moreover, enter upon this reconsideration with the satisfaction which he will not fail to derive from the renewed expressions of his Majesty's desire to strengthen the bonds of friendship which already unite the two countries, and from the proof afforded of that desire in the advances which have now been made on the part of his Majesty, though as yet inadequate to the purpose, towards an amicable conclusion of the matter in question.

On my own part, I shall not fail to communicate to the President the conviction which I feel that the most friendly sentiments towards the United States are entertained by his Majesty, and also by your excellency, as well as a sincere desire amicably to terminate all matters of difference between the two countries.

This much might suffice in regard to what is contained in your excellency's last note directly bearing upon the subject under discussion. But I cannot pass over in silence the implied charge of my having introduced "controversy," by stating, for the mere purpose of elucidating the pecuniary value of the proposal made to the United States, the acknowledged fact of the better payment made to Great Britain, with the addition that the Government of the United States would regret the preference thus given.

However well his Majesty may feel justified to himself in making the difference alluded to in consequence of events connected exclusively with the internal affairs of Spain, he cannot, it is conceived, fairly deem it a matter of surprise that the justification should not be deemed of equal validity in the view of the United States; much less can the simple reference to the transaction with Great Britain, for the elucidation already stated, be properly stigmatized as laying a foundation for recrimination, or as the introduction of controversy into the present discussion.

Renewing to your excellency the assurances of my sincere respect and esteem,

I have the honor to remain, &c.

C. P. VAN NESS.

Mr. Heredia to Mr. Van Ness.—[Translation.]

Madrid, *January* 17, 1833.

Don José de Heredia's compliments to Mr. Van Ness, and has the honor to inform him that, being authorized by the King, his august master, to confer with him on the subject of a frank and equitable arrangement of the existing claims of the subjects of the two nations, he will have the pleasure of calling on Mr. Van Ness at his house to-morrow, Friday, at one o'clock, in order to enter upon the business of this honorable commission. If, however, any other day or hour should be more agreeable to Mr. Van Ness, he can make such alteration as he may think proper.

Mr. Heredia, who is well acquainted with the estimable and conciliatory character of Mr. Van Ness, flatters himself that, animated by his sincere desire of bringing the subject in question to a close in a manner satisfactory to both Governments, he will co-operate with Mr. Heredia in accomplishing so interesting an object; so that both may have the honor of having been instrumental in drawing closer the bonds of friendship and good understanding between the two parties.

Mr. Van Ness to Mr. Heredia.

Madrid, *January* 17, 1833.

Mr. Van Ness has the honor to acknowledge the receipt of Mr. Heredia's note of this day, and to state that he feels great pleasure in the selection of Mr. H. by his Majesty for the purpose of endeavoring to agree with Mr. Van Ness on the best mode of settling the claims existing between the United States and Spain.

Mr. Van Ness has no doubt of the disposition of Mr. Heredia to do all in his power to bring the business to an amicable and honorable termination; and Mr. Heredia may be assured that Mr. Van Ness will not be behind him in exertions to that effect.

Mr. Van Ness will be ready to receive Mr. Heredia to-morrow at one o'clock, as proposed, and to enter on the matter in question.

Mr. Van Ness to Mr. McLane.—[Extracts.]

[No. 64.] Legation of the United States,
Madrid, November 28, 1833.

In my last despatch I had the honor to state that I considered the case contemplated by your despatch No. 48, in regard to the claims, to have occurred, and that I should immediately close the question, if possible.

After the receipt of your despatches Nos. 47 and 48, I had several conversations with Mr. Zea Bermudez, in which I stated to him that we ought to have at least the sum demanded by us, ($800,000,) provided we agreed to receive the stock as proposed by him. My object was, and I shaped my conversations accordingly, to induce him to come up to $700,000. He represented to me, in all the conversations, that serious if not insurmountable difficulties would interpose in the settlement of the business, by the adoption of any course except that of an unconditional acceptance on our part of the offer made by the decision of the King. He said that in bringing the question anew before the Spanish Government upon its merits, we should, in addition to the standing opposition of the Council of State, have to risk the decision of the new Council of Government established by the King's will.

In the event, therefore, of my determining upon that course, he said he could give me no assurance against losing the benefit of the offer already made. But should I feel myself authorized at once to accept that offer, he could perceive no difficulty in closing the matter, since he considered this Government as bound by what had already taken place.

I did not, in my conversations referred to, at all yield my assent to the suggestions made by Mr. Zea, but each time left him under the impression that the sum offered would not be accepted. I urged such considerations as I thought might have weight with him to show that the amount was not sufficient, especially as the stock is now worth a good deal less than at the time when the offer was first made. At the same time I took care not to do any thing that could be considered as an actual and official rejection of the proposition of this Government.

Thus rested the matter until I felt myself obliged to form the conclusion already stated. * *

Should a change in the ministry take place before our business is settled, I apprehend no great difficulty in closing it on the terms offered by the King, since no minister can reasonably object to that. The offer was made with a view of its being sent to Washington, and of course remains binding in case of its acceptance on our part. But what I fear in case of a change is, that a state of confusion will commence here which will interrupt materially the progress of business. And besides, a new minister, although the matter is reduced to a simple point, may say that he must have time to make himself acquainted with the subject, and thus throw us back for a time, the duration of which no one can foretell.

With these views I am desirous to close the question with Mr. Zea, and it is now only lying on the single point as to whether he will conclude a treaty with me under my present powers. For the last twelve or fourteen days he has promised, almost from day to day, to obtain the decision of his cabinet, and to give me an answer on this point, but he has not yet done it. I now again have his word for the day after to-morrow.

I have stated to him that in consequence of my having expressed serious fears as to the King's life (shortly before his death) in a despatch to my Government, I have received instructions from the President, later than those upon which I had been talking lately, authorizing me to settle upon the terms proposed by the King, provided the matter could be definitively closed; adding that I would do so in case of his being willing immediately to close the treaty with me.

Mr. Van Ness to Mr. McLane.—[Extracts.]

[No. 96.] Legation of the United States,
Madrid, December 21, 1833.

Sir: I have the honor to inform you that the question of the claims may now be considered as closed, though the treaty is not yet signed. Before doing that, one or two official notes are to be passed, founded upon what has been verbally agreed upon between Mr. Zea Bermudez and myself.

He has, however, informed me that both the Queen Regent and the council of regency have consented to carry into execution the arrangement proposed by the King, and likewise to conclude the treaty with me immediately. I expect the whole to be completed in the course of the next week, but it may run a few days longer. * * * *

So soon as may be practicable after the final conclusion of the treaty, I will send my son with it to Washington, and will forward by him all the papers and documents relating to the claims that may be found in the archives of this legation.

In my despatches numbers 63 and 64, I stated that, as it regarded this subject, I considered the case contemplated by your despatch number 48 to have occurred. In expressing myself in that manner I meant to be understood that, in my judgment, a crisis had arrived which rendered it hopeless to persist in contending for more than had been offered by the King, and at the same time dangerous to delay the acceptance of that offer.

It is true that I arrived at that conclusion partly in consequence of events which were not contemplated by the President at the date of the despatch referred to, but I deemed it, nevertheless, my duty to yield to those events their due influence in determining upon the time and circumstances which might render it proper to embrace the last resort authorized by my instructions.

Had the King lived, I feel confident that we should have realized $100,000 more; but with the present Government I am fully convinced that it would have been in vain to have persisted in demanding any thing more or better than the offer made by the King.

Viewing the case to have been again thrown upon its merits, it is natural to suppose that the Queen Regent, in the outset of her administration, and amidst the difficulties by which she is surrounded, would have had much reluctance to assume the obligation to pay these claims; and to have extended or varied the terms proposed by the King in the smallest degree to the disadvantage of Spain, would doubtless have appeared proportionally objectionable to her.

Besides, it is very uncertain as to what would have been the decision of the council of regency in such a view of the case. * * * *

Independently of these considerations are to be calculated the disadvantages and delays to be apprehended from a change of ministry, as stated in my despatch number 64; and likewise the danger of forfeiting the right to insist upon the execution of the proposal made by the King, by the rejection of it in the first place with a view of obtaining better terms. And what should certainly not be overlooked is the liability of this country at every hour of being plunged into a state of confusion and revolution. * * * *

Mr. Zea Bermudez himself declares against the extension of those terms; and, moreover, there is much reason to doubt his power to extend them, were he actually disposed to do so. It will be perceived, therefore, as I trust, that while nothing would probably have been gained, all might have been jeopardized, if not lost, by holding out longer.

Upon the views which I have now presented, together with those expressed in my despatch number 64, I rest for my justification in concluding as I have done this long-contested and troublesome matter. If all has not been obtained that could have been desired, I feel conscious at least of having done all that it has been in my power to do; and I am very sure that neither the Government which I have represented, nor those more immediately interested, will ever know the labor I have performed, or the difficulties I have had to encounter, throughout the whole progress of the business.

Spanish stock of the nature of that to be received by us was worth at Paris, before the King's death, 80 per cent.; since then it has been down to about 60; but now is very nearly, or quite, at 70; and it will probably before long rise again to 80, or near it. * * *

Hon. Louis McLane,
Secretary of State.

Mr. Van Ness to Mr. McLane.—[Extract.]

[No. 70.] Legation of the United States,
Madrid, January 16, 1834.

Sir: After my despatch No. 69, which accompanies this, was prepared, an unexpected difficulty arose in regard to the place of paying the interest on the stock to be received in satisfaction of our claims upon this Government, in consequence of which the despatch was not then forwarded.

Mr. Zea, without recollecting what had verbally been agreed upon between us on that point, and overlooking that I had incorporated that agreement into our written correspondence, (as you will see by my note of the 24th of May last,) procured the sanction of the Queen Regent, and of the council of regency, to the execution of the offer made by the late King, under the supposition that, according to that offer, the interest on the stock, as in ordinary cases, was to be paid at Madrid.

As soon as I found this misunderstanding to exist, I called upon Mr. Zea, and the result of the two interviews was an assurance on his part that he would procure a new decision, agreeably to what I desired, without entering particularly or formally into what had before taken place between us on the subject.

His engagement has been faithfully performed, and I am able to state that the case is now certainly in the situation I supposed it to be when I wrote the despatch already alluded to.

After having obtained the consent of the Queen Regent that the interest might be made payable at Paris, Mr. Zea submitted the question to the council of regency, and the point was decided by that body the day before yesterday without any opposition. * *

The Hon. L. McLane,
Secretary of State.

Mr. Van Ness to Mr. McLane.—[Extract.]

[No. 71.] Legation of the United States,
Madrid, January 28, 1834.

This day I have been informed at the State Department, that the commission to Mr. Heredia, empowering him to conclude a convention with me, was signed by the Queen Regent last night, and that in the course of this day I would receive an official communication of the business being placed in his hands. Within a few days, therefore, the treaty will be signed and forwarded. *

Mr. Van Ness to Mr. McLane.—[Extracts.]

[No. 72.] Legation of the United States,
Madrid, February 18, 1834.

Sir: I am at last able to forward a convention for the settlement of our claims upon this Government, which, after so many and such unaccountable delays, was yesterday signed.

The grounds upon which I have concluded this settlement have been already so fully stated in my late despatches, that I have nothing to add upon that head, except that, in my judgment, time and circumstances have confirmed the propriety of the measure.

It will be perceived that the convention contains no stipulation on the part of the Spanish Government for the delivery of documents that may be necessary for the establishment of the claims. I insisted upon the insertion of one until I was satisfied that the omission of it was a *sine qua non* with the other party, upon which I gave it up.

The circumstance that some of the existing claims have occurred under a similar stipulation in the Florida treaty has probably been the principal cause of the refusal to renew the obligation. It is stated, and there can be no doubt of the fact that the public papers and records are in a state of disorder and confusion in consequence of the various revolutions which have caused the frequent removals of the Government, and that, therefore, it may be extremely difficult, if not impossible, in some cases, to comply with our requisitions. * *

I am assured, however, that every exertion will be made to furnish any documents that may be deemed essential in the examination of claims; and it appears to me, from my knowledge of the cases, that there are very few in which the papers wanted from the Spanish authorities have not been already procured.

Besides, the stipulation in question does not generally appear on the treaties we have made for the settlement of claims, it having been introduced only in two or three late ones relating to numerous claims of long standing and of a complicated nature.

The documents to be furnished on our part under the 4th article of the convention can create no difficulty. The first will be merely a list of the names of the claimants, so far as they may be known at the time, with the sums claimed by them respectively, without reference to what may be actually due. The copies mentioned in the last clause of the article, it is considered, are to be furnished after the close of the examination and liquidation of the claims, and will, of course, show the amount actually allowed and paid.

It is stated, on the part of this Government, that these papers are wanted for the purpose of calling to an account the Spanish officers who have directed or sanctioned the outrages for which compensation has been made. Some of them have become very rich from the plunder, and are now in this country. I endeavored to persuade Mr. Heredia that the first list would be of no use, as it would furnish no just criterion for the purpose stated; but he was very tenacious, and as it will be but the work of an hour or two for one of your clerks, I consented, rather than to waste time on so small a point.

Copies and translations are forwarded of the correspondence which has taken place with this Government since the death of the King, and after the receipt of your despatches Nos. 48 and 49, of the 27th and 28th of August last.

Having stated in my despatches Nos. 63 and 64 that I had concluded to close with this Government on the terms proposed by the King, and that I had so stated to Mr. Zea Bermudez, it is proper to explain to you that the object of my note of the 30th of November was to obtain from the council of regency a direct decision in favor of a settlement on those terms; and it was thought that this might be better accomplished in that manner than by stating in the first place that Mr. Zea and myself had already agreed, or even expressing my willingness to make such a settlement. The plan succeeded, and the result was the answer of Mr. Zea of the 20th of December.

But at this juncture a new and unexpected difficulty arose. Mr. Zea having forgotten that any thing had taken place between us with respect to the place of paying the interest, except that, in a project of a convention which I had delivered to him, Paris was the place designated for that purpose, stated the decision of this Government in his note last mentioned to be adverse to one on this point.

I immediately called upon him and reminded him of what had been expressly agreed to by us, but he did not acknowledge any recollection of it, and expressed his opinion that it would be very difficult to obtain any variation from the terms communicated in his last note. I then prepared the note of the 25th December and sent it to him, at the same time accompanying it by a private note, expressing my regret that any such difference should have arisen between us, and proposing that both my note and his of the 20th December, to which it was an answer, should be withdrawn, and that, without reference to what had taken place, the point should be yielded to me as one which could be of little or no consequence to the Spanish Government. * * *

The day after sending him these notes I called upon him again. Without pursuing the question of fact between us, he observed that, as it regarded my suggestion to withdraw the two notes mentioned, it was out of his power to comply, because his note had been prepared with the concurrence of the Queen Regent and the council of regency, so that he was not the sole author of it. But he said, if I would withdraw my note and address him another, omitting to enter into what had verbally passed between us, and merely contending for the payment of the interest at Paris, he would exert himself to procure a new decision, in conformity with my wishes, and thought, upon reflection, that he might be able to succeed. To this proposition I expressed my assent, with the reservation, that I would so shape the new note as to leave the way open to resort to the same argument contained in the one withdrawn, provided it should afterwards become necessary. Accordingly, the note of the 30th December was substituted for that of the 25th, and Mr. Zea, faithful to his word, procured a new decision, which was only fully completed on the very day of his going out of office, and which was officially announced by the new minister in his note of the 28th of last month.

Although I conceived that I had clearly the advantage of Mr. Zea, I was very willing to avoid entering into a personal controversy with him on the point in question, because I had no doubt of his good intentions, and because, moreover, such a course might have greatly endangered the final success of the negotiation. The result has proved that I adopted the most prudent plan of getting over the difficulty.

I am not fully satisfied with regard to the place designated for the exchange of the ratifications. I contended that, as the convention was signed here, this Government was able to ratify it immediately, and to forward its ratification to Washington, to be there exchanged, and that such was the practice in similar cases. On the other side it was insisted that the ratifications ought to be exchanged where the treaty was made, and not wishing to lose more time in disputing about matters really immaterial, I yielded this point, though contrary to my judgment.

In regard to the form of the inscriptions, I succeeded in obtaining the adoption of a different one from that insisted upon by Mr. Zea. His plan was to have the certificates in the common way, but to be marked with a particular letter, to be designated in the treaty. The form settled upon is like that of the inscriptions paid to the British claimants, and is much to be preferred, because it will appear on the face of the certificates that they have been paid to our Government in pursuance of a convention between the two countries, which will give them a currency beyond the ordinary inscriptions, from the idea that our Government would always at least lend its influence to enforce the punctual payment of the interest. By the other plan the inscriptions would have appeared to be of the common kind issued to individuals, except by reference to the treaty, which might have produced a good deal of inconvenience.

Of the value of the stock to be received from this Government, no correct estimate can at present be formed, though there is good reason to believe that before the time for its distribution to the claimants it will be worth, as it was when it was first offered to us, eighty per cent., and perhaps it may hereafter approach near ninety. In the meantime the interest will, doubtless, be punctually paid. And it might be well to pass a law authorizing the Secretary of the Treasury to dispose of it, provided the President should so direct, thus providing the means for taking advantage of some of the sudden and temporary rises which often occur in regard to Spanish stocks.

My son will start for Washington with the treaty in two or three days, and by him I will forward all the papers that have been forwarded to this legation relating to the claims.

You will find attached to the correspondence on the subject of the claims a copy and translation of the authority from the Queen Regent to Mr. Heredia to conclude the convention with me.

I have retained in my possession a triplicate of the convention, precisely like that forwarded to you.

If the ratification on the part of the United States should be forwarded to Mr. Livingston at Paris, I think he might be able very soon to forward it to me by one of the couriers who are passing every week or two between Madrid and that place. Though the expense of a messenger from London or Paris to Madrid is not great.

Hon. Louis McLane,
Secretary of State.

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py of a note from the Minister of the United States to Don Francisco Zea Bermudez, Principal Secretary of State of his Catholic Majesty.

Legation of the U. S. of America,
Madrid, November 30, 1833.

Sir: I have now the honor to make, in a written form, the inquiries which have been already submitted to your excellency verbally, in relation to the question of the claims of United States upon Spain, which is resting upon the proposal made by his Catholic Majesty.

These inquiries are, 1st, whether the stock offered on the part of Spain will be made redeemable at some fixed period or periods, provided we should agree upon the amount, say in ten years; or the one-half in ten, and the other half in fifteen years. And, 2d whether, if we should come to an agreement, her Majesty's Government will at once conclude a treaty with me, without insisting upon the delay that would be occasioned by waiting until the arrival of my new credentials and powers.

I beg merely to add, that the Congress of the United States will commence its annual session on Monday next, and that the amicable conclusion at this time of this old and much-agitated question, without regard to mere matters of form, cannot fail to place the relations of the two Governments, from the first moment, as it were, of her Catholic Majesty's reign, upon a footing which will clear the way for the most happy and lasting results to both countries.

Will your excellency have the goodness to make known to me the determination of her Majesty the Queen Regent, on the points submitted, as soon as may be possible. Renewing to your excellency, &c.

C. P. VAN NESS.

Translation of a note from the Principal Secretary of her Catholic Majesty to the Minister of the United States.

At the Palace, *December* 20, 1833.

Sir: I have laid before the Queen Regent the communication which your excellency was pleased to address to me, under date of the 30th of last month.

Her Majesty, having considered the matter, has directed me to inform you that, on her part, she is ready to proceed to the final settlement of the business of the existing claims, from a regard to the friendly relations that happily subsist, and which she is desirous of strengthening more and more between Spain and the United States.

Being obliged to abide by the decision which her deceased spouse, Don Ferdinand, formed on the subject, her Majesty cannot depart from the propositions contained in the note to your excellency of the 9th of last June. The reasons which induce her Majesty to pursue this course are numerous and weighty, and, most particularly, the imperious obligations of not burdening the nation with new sacrifices at the very moment when the Government is busily occupied in alleviating the weight of the charges that afflict it. For these reasons her Majesty can neither augment the offer of twelve millions of reals vellon in inscriptions at five per cent. interest on the great book of the consolidated debt of Spain, nor make them redeemable within any fixed time, as you propose, nor consent that the interest upon the capital shall be paid in any other place than Madrid. But as relates to the inquiry of your excellency, whether the Government of her Majesty will agree to form a convention without awaiting the arrival of the new credentials and powers of your excellency, I have the honor to inform you that her Majesty takes pleasure in declaring that this circumstance will not impede the formation of said convention, considering that your excellency will necessarily receive and present those documents before the time fixed for the exchange of the ratifications.

Under these circumstances, it only remains for your excellency to inform me if you are prepared to proceed to the definitive conclusion of this business on the abovementioned terms, in accordance with which the accompanying minute of a convention is drawn up; in which case your excellency will please remit me a copy of your original full powers, which, for the present, will be considered as sufficient; and, immediately after, those of Don José de Heredia, whom the Queen has chosen to appoint as her plenipotentiary, will be furnished to him.

I renew to your excellency the assurance of my respect and esteem. God preserve your excellency many years.

F. DE ZEA BERMUDEZ.

A.

Mr. Van Ness to Mr. F. de Zea Bermudez.

Legation of the U. S. of America,
Madrid, December 25, 1833.

Sir: On the 30th of last month I had the honor to address to your excellency a note, in which I made two inquiries with regard to the subject of the claims of the United States upon Spain; first, whether her Majesty's Government would consent to make the stock which had been offered in payment redeemable at certain fixed periods. And, secondly, whether, if we should be able to agree upon the terms of settlement, this Government would be willing to conclude a treaty with me at once under my present powers.

To that note your excellency has favored me with an answer, under date of the 20th instant, by which I am informed that the Queen Regent, being obliged to abide by the decision which her deceased husband, the late King, had formed on the subject, cannot depart from the propositions contained in your excellency's note to me of the 9th of June last.

Your excellency is pleased to add that the Queen Regent can neither augment the offer of twelve millions of reals in inscriptions at five per cent. interest on the great book of the consolidated debt of Spain, nor make them redeemable at any fixed time, nor consent that the interest on the capital shall be paid at any other place than Madrid. In my note already referred to, however, nothing was said with regard to augmenting the offer of the King, nor to the place of paying the interest on the stock.

In regard to the second inquiry made by me, it appears that the Queen Regent has been pleased to determine that a convention may be concluded without incurring the delay of waiting for my new credentials.

The President of the United States, as I have already verbally stated to your excellency, has authorized me to accept the terms proposed by the King, provided the business can be closed at this time; and it being admitted that the Queen Regent is bound to carry into execution those terms, it only remains to be ascertained with precision what they are.

On the 18th of May last your excellency addressed to me a note, in which it was stated that the King had directed to be offered the sum of 500,000 dollars in inscriptions of an equal value on the great book of the consolidated debt of Spain, bearing an interest of 5 per cent., as the balance due to the United States on account of all claims between the parties. -+-

On the receipt of this proposition, I made inquiry as to the value of the kind of stock above mentioned, and found it to be worth 50 per cent., the interest being payable at Madrid; but it appeared to be worth 76 per cent. in case of the interest being made payable at Paris or London. Thus might the offer be viewed, in the one case, to be 250,000 dollars, while in the other it would amount to 380,000 dollars. I immediately called on your excellency for an explanation on this point, stating this difference in the value of the stock, and requesting to be informed whether I might consider the offer to be of stock on which the interest would be made payable in Paris or London; to which your excellency replied that it might be so understood.

In my note of the 24th of May last, in answer to that of your excellency of the 18th, will be found the following remarks on this point:

"I come now to the offer contained in your excellency's note, and made with a view to a full settlement of the whole case. The sum proposed is 500,000 dollars, but payable in inscriptions of an equal value on the great book of the consolidated debt of Spain, drawing an interest of 5 per cent. per annum, or, in other words, in 5 per cent. stock of this Government. The value of this stock in this city is 50 per cent.; in Paris it is worth, the interest being made payable there, 76 per cent. Assuming, according to your excellency's verbal explanations, that by offering stock of an equal value is meant to an equal amount, and that the interest would be made payable half-yearly in Paris or London, the offer, in reality, viewing it in its most favorable light, is to pay the sum of 380,000 dollars."

Such being the official statement which I presented to your excellency of my understanding of the first offer, and of the verbal explanations in relation to it six days after the making of that offer, I humbly conceive it to have been due, if your excellency did not intend that the proposition should be so understood, that I should not have been suffered to remain under a mistaken impression on so important a point, but that my apprehension as to what had verbally passed between us should have been at once corrected.

On the 9th of June last your excellency replied to my note of the 24th of May, and increased the sum offered from 500,000 to 600,000 dollars, payable in inscriptions as expressed in the note of the 18th of May. But no reference was made to the agreement stated by me respecting the place of paying the interest, nor any thing said inconsistent with that agreement; of course I had a right to consider that point as settled agreeably to my understanding of it. The President of the United States has likewise so viewed it, and the negotiation on my part has since proceeded entirely upon that ground.

The circumstance that your excellency has now no recollection of the conversation related by me, as your excellency has assured me, cannot be material, since it is conceived that her Majesty's Government is foreclosed by the official correspondence from viewing the offer of the King in any other light than that in which it has been understood on the part of the United States.

Upon this ground I am ready to proceed to the conclusion of a convention; and as the Congress of the United States is now in session, I am very desirous that the business should be closed as soon as possible, in order that the convention may be forwarded to Washington for ratification. If, however, any obstacle should present itself on the part of the Queen Regent to the settlement of the matter as now proposed, it is equally important that the President should be speedily advised of it. I earnestly entreat, therefore, that I may be favored with the final decision of the Queen Regent with as little delay as may be possible.

In closing, it is proper that I should add that it is not to be understood from the determination of the President, as already expressed, that he views the sum proposed to be received as at all an adequate compensation for the amount justly due to the United States. In coming to that conclusion he has been influenced by his desire to close a disagreeable and protracted negotiation, without impairing the friendly relations between the two countries, as well as by a regard to the situation of Spain, and a consequent willingness to accept from her the easiest possible terms.

Renewing, &c.

C. P. VAN NESS.

His Excellency Don Francisco de Zea Bermudez.

B.

Mr. Van Ness to Mr. F. de Zea Bermudez.

Legation of the U. S. of America,
Madrid, December 30, 1833.

[For the beginning of this note read as far as the arrow marked thus -+- in note A, on the same subject, dated December 25.]

And on the 9th of June your excellency in another note increased the sum from 500,000 to 600,000 dollars.

Nothing was expressly said in either of the notes of your excellency containing the proposition above mentioned in regard to the place of paying the interest on the inscriptions; but it has constantly been my understanding that it was to be made payable at Paris or London. The President of the United States, on my representations, has also so understood it, and the negotiation on the part of the United States has since proceeded entirely upon that ground.

The rate at which the kind of stock above mentioned sold for in the market, at the time it was first offered, was 50 per cent., the interest being payable at Madrid; but it was worth 76 per cent. in case of the interest being made payable at Paris or London. At present the difference is from about 53 to about 69.

Thus it will be perceived that the claimants in the one case would receive an addition of about 50 per cent. upon the sum they would receive in the other, while to the Spanish Government the only difference would be the transmission of the interest from Madrid to Paris.

In consequence, therefore, of the understanding which has existed, as already stated, on the part of the United States, I am absolutely precluded by my instructions from accepting the proposal contained in your excellency's last note as a fulfilment of the terms offered by the King.

But I am ready to proceed at once to the conclusion of a convention upon those terms, as they have been understood on the part of the United States; and I can scarcely allow myself to doubt that the Queen Regent will, without hesitation, so direct, especially as the difference to the claimants is so very great, and to the Government actually the same as nothing.

Renewing, &c.

C. P. VAN NESS.

His Excellency Don Francisco de Zea Bermudez, &c.

P. S. Agreeably to your excellency's suggestion at our last interview, I have the honor to send herewith a copy of the power from the President under which I am acting.

Translation of a note from the Principal Secretary of State of her Catholic Majesty to the Minister of the United States.

Sir: The note which your excellency transmitted to

Don Francisco de Zea Bermudez, under date of the 30th December, in reply to the one which that minister had addressed to you on the 20th of said month, was submitted by him to the consideration of the Queen Regent, my august mistress.

Her Majesty has now directed me to reply to your excellency, stating that, from a sincere desire of terminating the protracted and unpleasant question of the claims of American citizens, and of affording to your Government a fresh proof of her amicable feelings, as also of her wish to draw still closer the bonds of friendship which unite the two countries, her Majesty has agreed that the payment of the interest on the twelve millions of reals vellon, in inscriptions on the great book of the consolidated debt of Spain, which have been offered in full settlement of the aforesaid claims since the year 1819, till the signing of the convention, shall be made in Paris. And her Majesty has been pleased accordingly to invest Don José Heredia with full powers for that purpose.

The only obstacle to the definitive conclusion of this business being now removed, her Majesty feels persuaded that the United States will appreciate as it deserves this new compliance with their wishes; and that they will avail themselves, as her Majesty will continue to do, of every opportunity that may offer for maintaining the friendship and promoting the commercial interests of the two nations for the mutual advantage of their respective subjects.

Renewing to you the assurance of my sincere respect and esteem, I pray God to preserve you many years.

F. MARTINEZ DE LA ROSA.

At the Palace, *January* 28, 1834.

Mr. Van Ness to Mr. McLane.—[Extract.]

[No. 81.] Legation of the United States,
Madrid, June 28, 1834.

P. S. I have forgotten to mention in my late despatches that the Spanish perpetual rents have again risen very much, and that they are now quoted at Paris at from 78 to 80. It is my impression that the Spanish stocks will rise still more upon the meeting of the Cortes, and the establishment of some regular financial system, and the recognition and consolidation of the different debts; but I meet intelligent persons who hold a contrary opinion. These suppose that the expose which will be made of the financial affairs of the country will present so desperate a case, that the stocks in consequence will fall again.

Mr. Van Ness to Mr. McLane.—[Extracts.]

[No. 82.] Legation of the United States,
Madrid, August 6, 1834.

Mr. Wyer, as you will have learnt before the receipt of this despatch, arrived here with the ratification of the claims convention on the 22d of last month. I have ever since been pressing for the ratification of this Government, and I am assured that it is now being made out. I spoke to the minister himself to-day on the rising of the Chamber of Deputies, and reminded him that the six months would expire on the 17th of this month; and he assured me that the thing should be done in two or three days.

So soon as the ratifications shall be exchanged I will send off Mr. Wyer, since there is no prospect of obtaining the inscriptions in season to be sent off by him. The plate is not yet made, though the sub-Secretary of State has promised me to give immediate orders to that effect.

Besides, there might really be some danger in sending the inscriptions by Mr. Wyer, since the travelling at this moment is considerably dangerous between this and France, and yet that is the proper route for a messenger. To go to Cadiz or Gibraltar might be attended with uncertainty and delays.

Mr. Van Ness to Mr. McLane.—[Extracts.]

[No. 84.] Legation of the United States,
Madrid, August 11, 1834.

I also forward translations of the expose of the Minister of Foreign Affairs, and of that of the Minister of Finance. The latter, it is supposed, will create quite a sensation abroad, particularly in France, where the greater part of the Spanish stock is held.

The stock to be delivered to us under the late convention, like that issued in consequence of treaties with France and England, will not be affected by the proposed arrangement.

Mr. Van Ness to Mr. McLane.—[Extract.]

[No. 85.] Legation of the United States,
Madrid, August 14, 1834.

It has been impossible to obtain the inscriptions in time to be forwarded by the same conveyance, but I am assured that they will soon be delivered, and have no doubt that it will be done as promised.

When they shall have been received, I will keep them until a perfectly safe opportunity offers to send them to Mr. Livingston, subject to the orders of the President.

Permit me to suggest that if there should appear a strong prospect that these inscriptions will be sold, and the proceeds paid to the claimants instead of a delivery of the stock itself, whether it would not be advisable to direct that they should be deposited for the present in Paris or London, since it is in one of those places, if at all, that they must be thrown into the market.

Spanish stocks are down again, in consequence of the arrival in the northern provinces of Don Carlos and some other events. The project of the Minister of Finance, a copy of which was forwarded with my last despatch, will probably have the effect still more to reduce the existing stocks; and by that very measure we already see the advantage which the stock created by the conventions like the one in question has over ordinary stock, since the former is not considered subject to be dealt with by the debtor Government like the latter. The fluctuations and depreciations, therefore, in the prices of the latter, form no certain criterion by which to judge of the value of the former.

I will take the stock in inscriptions, in part, of one thousand dollars each, and in part of five hundred each, since these amounts, as I am informed, are the best adapted for the stock market.

Mr. Van Ness to Mr. Forsyth.—[Extract.]

[No. 90.] Legation of the United States,
Madrid, October 21, 1834.

I found the Minister of Finance signing the inscriptions to be delivered to us, and was informed by him that they would soon be ready for delivery. This stock, as I have before stated, is not at all affected by the fluctuations in the value of other Spanish stocks. It will probably always be worth from 80 to 90 per cent.

RELATIONS WITH FRANCE.

In the Senate, on the last day of the session of Congress, Mr. Clay, from the Committee on Foreign Relations, made the following report:

The Committee on Foreign Relations, having duly considered the message of the President of the 25th of February, 1835, with the correspondence accompanying it, ask leave now to submit to the Senate the result of their deliberations in the following report:

In the former report of the committee, made on the 6th January, 1835, they communicated to the Senate the views at large which they entertained of the controversy unhappily existing between the United States and France, respecting the non-execution of the treaty of indemnity, upon the state of information which the committee then possessed. They believed, from all the evidence within their reach, that the King of France was sincerely desirous, in good faith, to fulfil the stipulations of the treaty. The bill to accomplish that object had been rejected by a small majority; but its rejection was followed by a prompt assurance of the King's Government that it should be again introduced, and its passage through the Chambers urged by all the constitutional means at the command of his Majesty. The President acquiesced in the delay necessary to make this new experiment, expressing, however, his expectation that no time would be lost in again presenting the bill, and that for this purpose an extraordinary meeting of the Chambers would be convoked. This was not done; but, assuming the good faith of the King, the committee thought it not unreasonable to leave to him the selection of the time and circumstances under which, with the most probability of success, he might deem it best to submit the new bill to the consideration of the Chambers. In that conclusion the committee perceive themselves now fortified by an official and uncontradicted statement of the Count de Rigny, contained in the note to Mr. Livingston under date the 30th ultimo, in which the Count says to him: "Their assemblage (that of the Chambers) was not indeed immediately followed by the presentment of the bill relative to the American claims; but you, sir, know better than any other person the causes of this new delay. You, yourself, *requested* us not to endanger the success of this important affair, by mingling its discussion with debates of a different nature, as their mere coincidence might have the effect of bringing other influences into play than those by which it should be naturally governed. By this *request*, you clearly showed that you had, with your judicious spirit, correctly appreciated the situation of things, and the means of advancing the cause which you were called to defend."

In that condition of the question, the committee thought it most proper to await the issue of the new appeal to the French Chambers, and in the mean time to abstain from the legislative adoption of the measure of reprisals, which might imply a distrust of the French Government, and, by being construed into a menace, might prevent the passage of the bill. And here again the committee see, with satisfaction, that they are fortified by the opinion of Mr. Livingston. In his despatch to the Secretary of State under date of 11th January, 1835, he says:

"Should Congress propose commercial restrictions, or determine to wait to the end of the session before they act, this will be considered as a vote *against* reprisals, and then the law will be proposed, and I think *carried.*"

If the mere silence of Congress would have had a tendency to allay the excitement in France produced by the recommendation of the law of reprisals, a positive vote of Congress against them was much more likely to effect that desirable object. But the committee also thought that, whilst measures were in progress in France to secure an appropriation to execute the treaty, it was due, both to the confidence which had been reposed in the assurances of the King, and to the dignity of the United States, to studiously avoid all intimation of ulterior or contingent purposes.

The Senate concurred in these sentiments of the committee, and on the 14th day of January, 1835, unanimously passed a resolution declaring that it was inexpedient at that time to adopt any legislative measure in regard to the state of affairs between the United States and France.

The Senate having then distinctly taken the ground of forbearance to adopt any legislative measures until the result should be known of the second appeal to the French Chambers for the pecuniary means to execute the treaty, the committee have carefully and attentively examined the message of the President, and accompanying correspondence, now referred to them, to discover if they furnished any motives to change that ground.

The committee have perused parts of that correspondence with painful regret. It appears that the King of France, taking offence at the recommendation of the law of reprisals contained in the President's message, and especially with the imputation to him of bad faith, which he supposes to be conveyed in the same message, has recalled the French minister at Washington, directing him to be substituted by a charge d'affaires, and has caused passports to be tendered to the American minister at Paris. Mr. Livingston, nevertheless, remained at the French court, awaiting the orders of his own Government. These have been transmitted to him, and require the departure of the American legation from France, in the event of a second rejection of the bill of indemnity; and in that of the passage, Mr. Livingston's departure, leaving a charge d'affaires.

Thus the original and inherent difficulties in the way of the appropriation of the fiscal means to execute the treaty are in danger of being increased by a misunderstanding on collateral and subordinate questions. It is to be regretted that the French Government, acquainted as it must be with the structure and constitutional distribution of power of the American Government, did not wait the result of the deliberations of Congress upon the President's recommendation, before it resorted to a suspension of diplomatic intercourse, through the customary organs. A delay of a few weeks would have borne to France intelligence that neither House of Congress coincided in opinion with the President as to the expediency of authorizing reprisals, in the present state of the relations between the two countries; and that the Senate, by a unanimous vote, had pronounced any legislative measure whatever to be inexpedient.

The French minister has taken his departure, leaving the first secretary of the legation in charge with the affairs of his Government. Without stopping to comment upon certain unpleasant occurrences between him and the Secretary of State, immediately preceding his departure, the committee express their concurrence in the propriety of recalling Mr. Livingston under the existing circumstances, in both the contingencies which have been provided for in his instructions.

The recall of ministers is the usual preliminary of the actual commencement of hostilities. In this instance the committee are happy to find that no such consequence is likely to ensue, but that, on the contrary, according to Mr. Livingston's opinion, it will probably prove to be the harbinger of an amicable adjustment, by removing the only cause which threatened a disturbance of the harmony between the two countries. The King of France, irritated by the President's message, has sought to heal his wounded sensibility by a recall of his minister. Being satisfied on that point, the King's Government naturally turned their attention to the primitive source of whatever misunderstanding now unfortunately exists between the two Governments, and again introduced into the Chamber of Deputies the bill to provide for the debt which the treaty of July contracts to pay. And Mr. Livingston states that he has very little doubt it will pass. Its fate is not, however, yet known.

Far from perceiving in the correspondence communicated by the President any motives to vary the position taken by the Senate on the 14th of January last, all the considerations which united in recommending it have acquired additional force from that correspondence; and the committee therefore conceive that the Senate ought to adhere to the resolution which it then formed to await the result of the second appeal to the French Chambers, and in the mean time to intimate no ulterior purpose, but to hold itself in reserve for whatever exigencies may arise.

Instead of feeling any necessity for legislating at present on the contingency of a failure of the French Chambers to make the requisite appropriation to fulfil the treaty, the committee cannot conclude the performance of the duty assigned to them without expressing their congratulations to the Senate on the prospect held out by Mr. Livingston of a termination of the misunderstanding between the two countries and a consequent preservation of the peace yet happily existing between them. The bare possibility of the interruption of it has filled the committee with the greatest inquietude. War, with all its train of sufferings, crimes, and cruelties, should never be resorted to but in the last extremity. A war with France particularly, considering the ancient ties of friendship which have hitherto bound the two nations together, and the manifest interest which both have in the cultivation of peace, would excite feelings of the most profound regret. A rupture, of which no one could foresee the probable termination, between two of the freest and most enlightened nations on earth, for a debt of only about five millions of dollars, not yet wholly due, and which, with its accumulating interest, must be ultimately paid, would exhibit to the civilized world a mortifying spectacle without a parallel, and injurious to both parties. Every aspect under which such a war could be contemplated would be ominous. Limited as its theatre would probably be to the ocean, the United States, instead of maintaining the liberal code for which they have hitherto contended, might find themselves called upon to assert principles as to the right of search, contraband, and blockade, against which they have so often protested. And it would almost be a miracle, if, in the practical application of some of these principles, they did not find themselves involved in serious collisions with neutral Powers, whose marines would be profiting on the sacrifices of the belligerants.

The committee fervently hope that those who are intrusted with the destiny of both nations will constantly keep in view and earnestly endeavor to avert the calamitous consequences of such a war; and that, subduing every personal emotion of passion, pride, or prejudice, they will hasten to consummate what has been deliberately stipulated. Thus the well-known patriotism and gallantry of two great people will be best reserved for the more serious trials to which, under the dispensations of Providence, they may be hereafter respectively exposed.

The committee ask the Senate to be discharged from the further consideration of the message of the President.

FRENCH RELATIONS.

Department of State,
Washington, March 10, 1835.

Mr. Livingston's answer to Count de Rigny's note of the 13th January last having been received at this Department after the adjournment of Congress, to whom that note was communicated, it is now made public by the direction of the President of the United States.

Legation of the United States,
Paris, January 29, 1835.

His Excellency Count de Rigny,
Minister, Secretary of State of Foreign Affairs:

Sir: Having already had occasion to acknowledge the receipt of your excellency's letter of the 13th instant, and to answer that part of it which most urgently required my attention, I proceed to a consideration of the other matters which it contains. I shall do this with a sincere desire to avoid every thing that may excite irritation, or increase difficulties which already unfortunately exist. Guided by this disposition, I shall confine myself to an examination of your note, considered only as an exposition of the causes which his Majesty's Government thinks it has to complain of in the message sent by the President of the United States to Congress at the opening of its present session.

Your excellency begins by observing that nothing could have prepared his Majesty's Government for the impressions made upon it by the President's message, and that if the complaints he makes were as just as you think them unfounded, still you would have reason to be astonished at receiving the first communication of them in such a form. If his Majesty's Government was not prepared to receive complaints on the part of the United States for non-execution of the treaty, every thing I have said and written since I have had the honor of communicating with your excellency, and your predecessor in office, must have been misunderstood or forgotten. I can scarcely suppose the first; for if my whole correspondence is referred to, and my verbal representations recollected, they will be found in the most unequivocal language to express an extreme solicitude for the execution of the treaty—a deep disappointment at the several delays which have intervened, and emphatically the necessity which the President would be under of laying the matter before Congress at the time when in fact he has done so, if before that period he did not receive notice that the law had passed for giving effect to the treaty. To urge the obligation of the treaty, to prepare his Majesty's Government for the serious consequences that must result from its breach, or an unnecessary delay in executing it, was my duty, and it has been faithfully and unremittingly executed. To my own official representation, on the 26th, I added, on the 29th July last, the precise instructions I had received, to inform his Majesty's Government that "the President could not avoid laying before Congress, on the 1st of December, a full statement of the position of affairs on this interesting subject; or permit the session to end, as it must do, on the 3d March, without recommending such measures as the justice and the honor of the country may require." In this alone, then, there was sufficient (independently of my numerous applications and remonstrances) to prepare his Majesty's Government for the just complaints of the United States, and for the "impression" they ought to produce, as well as for the "*mode*" in which they were communicated; a mode clearly pointed out in the passage I have quoted from my note of the 29th July—that is to say, by the annual message from the President to Congress, which, as I have already had occasion to observe, his Majesty's ministers have erroneously considered as addressed directly to them; and, viewing it in that light, have arraigned this document as containing groundless complaints, couched in language not called for by the occasion, and offering for consideration means of redress offensive to the dignity of France. I shall endeavor, by a plain exposition of facts, to repel those charges; I shall examine them with the freedom the occasion requires, but, suppressing the feelings which some parts of your excellency's letter naturally excite, will, as far as possible, avoid all those topics for recrimination which press upon my mind. The observation I am about to make will not be deemed a departure from this rule, because it is intended to convey information which seems to have been wanted by his Majesty's minister, when, on a late occasion, he presented a law to the Chamber of Deputies. It is proper, therefore, to state, that although the military title of general was gloriously acquired by the present head of the American Government, he is not, in official language, designated as General Jackson, but as "The President of the United States," and that his communication was made in that character.

I proceed now to the examination of that portion of your excellency's letter which attempts to show that the complaints set forth in the President's message are groundless.

It begins by assuming, as a principle of argument, that, after the Chamber of Deputies had rejected the law, and his Majesty's Government had promised to present it anew, the United States had, by receiving that promise, given up all right to complain of any ulterior delays. I have vainly endeavored, sir, to find any rule of reasoning by which this argument can be supported. It would, undoubtedly, be much easier to strike off from the case the delays of two years in proposing the law, than to justify them.

It is true that the United States, with a moderation and forbearance for which they receive no credit, waited two years, almost without complaint, for the performance of a treaty which engaged the faith of the French nation to pay a just indemnity, for which they had already waited more than twenty years. It is true that his Majesty's Government offered solemn assurances that, as soon as the constitution of the country would permit, a new attempt would be made to redeem the national pledge given by the treaty. It is true, also, that the President of the United States gave credit to those assurances. But it is also true, and your excellency seems to lose sight of that important uncontested fact, that formal notice was given that the performance of those promises would be expected according to their letter; and that he could delay no longer than the 1st of December the execution of a duty which those assurances had induced him to postpone. Whatever reasons his Majesty's Government had for not complying with Mr. Serurier's engagement, or however they may have interpreted it, the President could not be precluded from considering the whole case as open, and adding to his statement the wrongs occasioned by the delays anterior to the vote of rejection. Those delays are still unaccounted for, and are rendered more questionable by the preference given to another treaty, although subsequently made, for the guaranty of the great loan.

Confining your observations to this second period, you say that the reproaches which the President thinks himself authorized in making to France may be comprised in the following words: "The Government of the King had promised to present the treaty of July anew to the Chambers, as soon as they could be assembled: but they have been assembled on the 31st July of the last year, and the treaty has not yet been presented." Stating this as the whole of the complaint, you proceed, sir, in your endeavor to refute it.

I am obliged, reluctantly, here to make use of arguments which, in the course of this discussion, have been often repeated, but which seem to have made no impression on his Majesty's Government. I am obliged, in repelling the reproaches addressed to the President, to bring to your recollection the terms of the promise on which he relied, the circumstances attending it, and the object for which it was given. These must be fully understood and fully weighed before the question between us can be resolved.

The circumstances under which Mr. Serurier's note was written are material in considering its true import. The payment, stipulated by a treaty duly ratified on both sides, had just been formally refused by a vote of the Chamber of Deputies; more than two years had passed since it had been proclaimed as the law of the land in the United States; and, ever since, the articles favorable to France had been in constant operation. Notice of this refusal had some time before been received by the President. It would have been his duty, had nothing else occurred, to communicate to Congress this event, so unexpected and so injurious to the interest of the country. One circumstance prevented the performance of this duty, and justified the omission. The notice of the rejection was accompanied by information that the minister of France was instructed to make explanations and engagements on the subject; and that a ship of war would be despatched with his instructions. The President had waited a month for the arrival of this ship. An unusually long session of Congress still afforded an opportunity for making the communication even after her arrival. If made, it would undoubtedly have produced consequences, the nature of which may be imagined by considering the events that have since occurred. It was necessary, then, to prevent an interruption of the friendly relations between the two countries, that this communication should be postponed until the subsequent session of Congress: longer than that it was well known that it could not be deferred. This was clearly and explicitly stated in a conference between Mr. Serurier and the Secretary of State of the United States, in which the former gave the promise in question. But the President desired to have the engagement in a written and official form, (and, as Mr. Serurier expresses it in his letter,) "pourfdes causes prises dans les nécessité de votre Gouvernement." What governmental necessity does he allude to? Clearly that which obliged the President to communicate these engagements to Congress at the next session.

Here, then, we have a stipulation, made under special orders sent out by a ship despatched for that express purpose, communicated first verbally in an official conference, afterwards reduced to writing and delivered to the proper officers, for the double purpose of justifying the President for not making an immediate communication at their then session; and also to serve as a pledge which he might exhibit, if unredeemed, at their next. These objects are well stated by Mr. Serurier to be, "That the Government of the Republic may avoid with a providential solicitude, in this unsettled state of things, all that may become a cause of new irritation between the two countries, endanger the treaty, and raise obstacles that may become insurmountable to the views of conciliation and harmony which animate the councils of the King." It was, then, to avoid a communication to Congress, which Mr. Serurier saw would endanger the peace of the two countries, that this engagement was made. Surely, then, every word of a stipulation, made under such circumstances, and for such important purposes, must have been duly considered, and its import properly weighed, first by the cabinet who directed, afterwards by the minister who delivered and the Government which received it.

What, then, was this engagement? First, that the Government of the King will use every legal and constitutional effort which its persevering persuasion of the justice and advantages of the treaty authorize the United States to expect from it. "Son intention est," (I quote literally,) *enoutre*, (that is, besides using those endeavors above mentioned,) "de faire tout ce que *notre constitution permel* pour rapprocher autant que possible, lepoque de la présentation nouvelle de la loi rejettée." Your excellency cannot fail to have observed two distinct parts in this engagement. One relating to the endeavors the ministry promised to make in order to induce the Chambers to pass the law, for the success of which they could not answer; another relating to the time of presentation of the law, a matter which depended on them alone, restricted only by constitutional forms.

The promise on this point, then, was precise, and could not be misunderstood. Whatever the constitution of France permitted, the Government of France promised to do, in order to hasten the presentation of the law. What was the cause of this desire to bring the business before the Chambers at an early day? No one can doubt it who knows the situation of the two countries; still less any one who has read the correspondence. It was to enable the President to make those statements to the next Congress, which, relying on the engagements of the French minister, he had omitted to make this.

It was clear, therefore, that more was required than the expression of a desire on the part of his Majesty's ministers to execute the treaty; a desire, the sincerity of which was not doubted, but which might be unavailing, as its accomplishment depended on the vote of the Chambers. For the President's satisfaction, and for his justification, too, an engagement was offered and accepted for the performance of an act which depended on his Majesty's Government alone. This engagement was couched in the unequivocal terms I have literally quoted.

This, sir, is not all. That there might be no misunderstanding on the subject, this promise, with the sense in which it was understood, the important object for which it was given, and the serious consequences that might attend a failure to comply with it, were urged in conversation and repeated in my official letters, particularly those of the 26th and 29th of July, and 3d and 9th of August last; in which its performance was strongly pressed.

The answer to these letters left no hope that the question would be submitted to the Chambers in time to have the result known before the adjournment of Congress; and, by the refusal to hasten the convocation of the Chambers before the last of December, showed, unequivocally, that, so far from taking all measures permitted by the constitution to hasten the period of presenting the law, it was to be left to the most remote period of the ordinary course of legislation.

This decision of his Majesty's Government, contained in your excellency's note to me of the 7th August, was duly transmitted to the President, and it naturally produced upon his mind the impressions which I anticipated in my letters to your excellency that it would produce. He saw, with the deepest regret, that a positive assurance for convening the Chambers as soon as the constitution would permit was construed to mean only a disposition to do so, and that this disposition had yielded to objections which he could not think of sufficient force to justify a delay, even if there had intervened no promise, especially as the serious consequences of that delay had been earnestly and repeatedly brought to the consideration of his Majesty's Government. In fact, sir, what were those objections? I do not speak of those which were made to presenting the law in the session of July last; for, although no constitutional impediment offered itself, yet it was strongly insisted on, because an early session in the autumn would have had the same effect; and the President, for the same reason, says that it might have been overlooked if an early call of the Chambers had been made. They are the objections to this call, then, which immediately demand our attention. What, in fact, were they? None derived from the constitutional charter have been or could have been asserted. What, then, were they? Your excellency's letter of the 3d of August, to me, contains none but this; "His Majesty's Government finds it impossible to make any positive engagement on that point." In that of the 7th of August there are two reasons assigned: first, the general inconvenience to the members. This the President could surely not think of alleging to Congress as a sufficient reason for omitting to lay the matter before them. The next, I confess, has a little more weight, and might have excused a delay, if the assurance given by Mr. Serurier had been, as your excellency construes it, merely of a disposition to hasten the presentation of the law. If the engagement had amounted to no more than this, and his Majesty's ministers thought that an early call would endanger the passage of the law, it might possibly justify them in not making it. But the President, who relied on the promise he had received, who, in consequence of it, had deferred the performance of an important duty; the President, who had given timely and official notice that this duty must be performed at the opening of the next Congress; the President, who could see no greater prospect of the passage of the law in a winter than in an autumnal session, how was he to justify himself and redeem the pledge he had made to his country? He did it in the way he always does, by a strict performance.

From this detail your excellency will, I hope, see that the President's causes of complaint cannot, as you suppose, be confined within the narrow limit you have assigned to them. The failure to present the law in the session of July was not the only nor even the principal point in which he thought the engagement of Mr. Serurier uncomplied with; for although he saw no reason for the omission that could be called a constitutional one, yet he expressly says that that might have been overlooked. He always (it cannot be too often repeated) looked to the promise of Mr. Serurier as it was given at Washington, not as it was interpreted at Paris; and he had a right to believe that, as on previous occasions, the Legislature had, in the years 1819, 1822, 1825, and 1830, held their sessions for the transaction of the ordinary business in the months of July and August, he had a right, I say, to believe that there was no insurmountable objection to the consideration of this extraordinary case enforced by a positive promise. Yet, as I have remarked, he did not make this his principal cause of complaint; it was the omission to call the Chambers at an earlier period than the very end of the year.

On this head your excellency is pleased to observe that the same reasons, drawn from the usual course of administration, which rendered the presentation of the law in the session of July impossible, applied with nearly the same force to a call before the end of the year; and you appeal to the President's knowledge of the "fixed principles of a constitutional system," to prove that the administration under such a Government is subject to regular and permanent forms, "from which no special interest, however important, should induce it to deviate." For this branch of the argument it unfortunately happens that no regular form of administration, no fixed principle, no usage whatever, would have opposed a call of the Chambers at an early day, and the rule, which your excellency states would not be broken "in favor of any interest, however important," has actually been made to yield to one of domestic occurrence. The Chambers have just been convened before the period which was declared to be the soonest at which they could possibly meet. Your excellency will also excuse me for remarking that, since the first institution of the Chambers in 1814, there have been convocations for every month of the year, without exception, which I will take the liberty of bringing to your recollection by enumerating the different dates. The Chambers were summoned for the month of January in the years 1823, 1826, and 1829; for February in 1827 and 1829; for March in 1815, 1824, and 1830; for April in 1833; for May in 1814; for June in 1815, 1822, and

1825; for July in 1834; for August in 1830 and 1831; for September in 1815; for October in 1816; for November in 1817, 1818, 1819, 1821, and 1832; and for December in 1820, 1824, 1826, and 1833. It is then clear to demonstration, that neither constitutional impediment, nor stern, inflexible usage, prevented such a call of the Chambers as would have complied with the letter of Mr. Serurier's engagement. Since I have alluded to the actual meeting of the Chambers on the first of December, it is but candid to allow that even this period would not have enabled the President to have attained one of his objects—the presenting of the result of their deliberations to Congress in his opening message; but even that slight concession, if it had been made to my unceasing applications, might have given an appportunity of conveying their decision to Congress before the 4th of March, when they must adjourn; because, had that day been then determined on, every thing would have been ready to lay before the Chambers on the opening of the session,'but a meeting a month or six weeks earlier would have given ample time for deliberation and decision in season to have it known at Washington on the first of December.

The necessity of giving time to the new members to inform themselves on the nature of the question, and the old ones to recover from the impression which erroneous statements had made upon their minds, I understand to be the remaining motive of his Majesty's ministers for delaying the meeting. But this was a precaution which, relying on the plain obligation of the treaty, the President could not appreciate, and he must, moreover, have thought that, if a long discussion was necessary to understand the merits of the question, it was an additional reason for hastening the meeting where those merits were to be discussed. The delay that occurred between the meeting of the Chambers and the first of January need not have entered into the discussion, because, not long known at Washington, it could not have had any influence on the message. It is referred to, I presume, in order to show that it was produced by a desire, on the part of his Majesty's ministers, the better to assure the passage of the law. Of this, sir, I never had a doubt, and immediately so advised my Government, and informed it, as was the fact, that I perfectly acquiesced in the delay; first, because of the circumstance to which you allude; secondly, because the statements, originally intended to be ready by the first of January, were not yet prepared. There is a slight error in this part of your excellency's letter; the delay was not made at my request, but was fully approved of, for the reasons which I have stated.

I have entered into this detail, sir, not for the purpose of recrimination, which, in most cases useless, would in this be worse; but with the object, as was my duty, of showing that although the ministers of the King, under the interpretation they seem to have given to Mr. Serurier's promise, may have considered themselves at liberty to defer the presentation of the law until the period which they thought would best secure its success; yet the President, interpreting that promise differently, feeling that in consequence of it he had forborne to do what might be strictly called a duty, and seeing that its performance had not taken place, could not avoid stating the whole case clearly and distinctly to Congress, and detailing to them all the remedies which the law of nations would allow to be applied to the case; leaving to them the choice, leaving to their wisdom and prudence the option of the alternative of further delay or conditional actions.

Could he have said less in this branch of his message? If he alluded to the subject at all, he was obliged to detail the circumstances of the case: it is not pretended that this is not done with fidelity as to facts. The ratification of the treaty, its effect in pledging the faith of the nation, the fidelity with which the United States have executed it; the delay that intervened before it was brought before the Chambers, their rejection of the law, the assurances made by Mr. Serurier, the forbearance of the President to make a communication to Congress in consequence of those assurances, and the adjournment of the question by his Majesty's Government to the end of the year; none of these have ever been denied, and all of which the President was obliged to bring before Congress, if, as I have said, he spoke on the subject. But he was obliged by a solemn duty to speak of it, and he had given timely and repeated notice of this obligation. The propositions which he submitted to Congress in consequence of those facts were a part of his duty. They were, as I have stated, exclusively addressed to that body, and, in offering them, he felt and expressed a proper regret; and, doing justice to the character and high feeling of the French nation, he explicitly disavowed and intention of influencing it by a menace.

I have no mission, sir, to offer any modification of the President's communication to Congress, and I beg that what I have said may be considered with the reserve that I do not acknowledge any right to demand, or any obligation to give, explanations of a document of that nature. But the relations which previously existed between the two countries, a desire that no unnecessary misunderstanding should interrupt them, and the tenor of your excellency's letter, (evidently written under excited feeling,) all convinced me that it was not incompatible with relf-respect and the dignity of my country to enter into the detail I have done. The same reasons induce me to add that the idea, erroneously entertained, that an injurious menace is contained in the message, has prevented your excellency from giving a proper attention to its language. A cooler examination will show that, although the President was obliged, as I have demonstrated, to state to Congress the engagements which had been made, and that, in his opinion, they had not been complied with; yet in a communication not addressed to his Majesty's Government, not a disrespectful term is employed, nor a phrase that his own sense of propriety, as well as the regard which one nation owes to another, would induce him to disavow. On the contrary, expressions of sincere regret that circumstances obliged him to complain of acts that disturbed the harmony he wished to preserve with a nation and Government to the high characters of which he did ample justice.

An honorable susceptibility to every thing that may in the remotest degree affect the honor of the country is a national sentiment in France; but you will allow, sir, that it is carried too far when it becomes impatient of just complaint; when it will allow none of its acts to be arraigned, and considers as an offence a simple and correct examination of injuries received, and as an insult, a deliberation on the means of redress. If it is forbidden, under the penalty of giving just cause of offence, for the different branches of a foreign Government to consult together on the nature of wrongs it has received, and review the several remedies which the law of nations presents, and circumstances justify, then no such consultation can take place in a Government like that of the United States, where all the proceedings are public, without at once incurring the risk of war, which it would be the very object of that consultation to avoid.

The measures announced in the close of your letter, as well as the correspondence it has occasioned between us, have been transmitted to my Government, and I wait the instructions which that communication will produce.

I pray your excellency to receive the renewed assurance of the high consideration with which I have the honor to be your most obedient humble servant.

EDW. LIVINGSTON.

FRENCH SPOLIATIONS PRIOR TO 1800.

House of Representatives, *February* 21, 1835.

Statements submitted in the Committee on Foreign Affairs relative to the bill making provision for the satisfaction of claims for French spoliations prior to 1800.

[*Note.*—Owing to the late period at which this subject was presented to the committee, a majority of the committee declined adopting either of the following statements as the report of the committee. They directed their chairman to submit a motion that the bill be laid on the table, and authorized a resolution that the two following statements should be printed, which was ordered accordingly.]

No. 1.—Statement of Mr. Cambreleng.

The claims in question are represented to be for spoliations committed by the public and private armed vessels of France on the commerce of the United States, prior to the date of the treaty between the two nations of the 30th of September, 1800. It is alleged that by expunging the second article of that treaty, and subsequently renouncing our pretensions to indemnity for these spoliations, we have deprived our citizens of their right to prosecute their claims on France, released that nation from her obligations, and thereby made the United States responsible for them. It is also alleged that the claims were sacrificed to obtain from France the remuneration of ancient and embarrassing national stipulations, and that the claimants have thereby become entitled to indemnity for private property taken for public use.

Without conceding that an unoffending and aggrieved nation can be made responsible for the outrages committed by another Power, by any provisions inserted in a treaty, in violation of instructions, or by any stipulation, short of a positive character assuming the obligation to indemnify the parties injured, the question will be discussed upon the grounds assumed by those who have heretofore advocated these claims.

It is stated that when France, in 1800, renounced her pretensions to the exclusive privileges and guarantee acquired by the treaties of amity and commerce, and of alliance, of the 6th of February, 1778, it relieved the United States from very embarrassing and perpetual obligations. By the commercial treaty each nation was to enjoy exclusive privileges as to privateers and prizes; free trade was mutually allowed with belligerant countries, and the flag of each nation was to protect the cargo. Both treaties were made under the expectation that Great Britain would declare war against France, and were designed for the mutual benefit of both countries, should such an event occur. The preamble to the treaty of alliance, referring to the commercial treaty then just made, declares that the two Powers "have thought it necessary to take into consideration the means of strengthening those [commercial and friendly] engagements, and of rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain, in resentment of that connexion, and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns: and his Majesty and the said United States having resolved in that case to join their councils and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after most mature deliberation, concluded and determined on the following articles."

The following is the second article of the treaty:

"The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence, absolute and unlimited, of the said United States, as well in matters of Government as of commerce."

The British possessions in North America or the Bermudas, if reduced, were to belong to the United States. Islands in or near the Gulf of Mexico, if conquered, to appertain to France. By the 9th article,

"The contracting parties declare that, being resolved to fulfil, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war."

By the 11th article, the United States guaranties to France her possessions in America; and France, on the other hand, guaranties the liberty, sovereignty, and independence, of the United States.

Both these treaties were made during our revolutionary war, and both contained stipulations incompatible with the laws of nations and the rights of belligerants. In 1792 France declared war against England: that war not being of the character contemplated or described in our treaty of alliance, we proclaimed our neutrality in 1793, and against that proclamation France never remonstrated or protested until long afterwards, when it became necessary to resist our claims for spoliations by setting up pretensions to indemnity. She soon discovered that it was not for her interest to permit us to enjoy free trade with her enemy, or to suffer our flag to protect belligerant property, as stipulated in the commercial treaty. On the 9th of May, 1793, she issued her first decree, in violation of our treaty of 1778, declaring that "the French people are no longer permitted to fulfil, towards the neutral Power in general, the vows they have so often manifested," and making "its operation retrospective to the date of the declaration of war, and prospective to the period when the enemies of France should cease the depredations of which it complained." This was immediately followed by the embargo of our vessels, the refusal to pay for supplies taken, the capture of our property under various pretences, and the imprisonment of our citizens taken on the high seas. Our ports were treated by France as colonial, for the condemnation and disposal of her prizes, and our neutrality was insolently violated. An accumulation of wrongs, insults, and injuries, finally authorized and compelled Congress solemnly to declare, on the 7th July, 1798, "that the United States are of right freed and exonerated from the stipulations of the treaties and of the consular conventions heretofore concluded between the United States and France; and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

The violations of the treaties by France were palpable, and our right to renounce them was in strict conformity to the law of nations. But, however that right may have been disputed by the French commissioners, to obtain advantages in the negotiation, the validity of the act of 1798 never can be questioned in any case between the United States and her own citizens. From the 7th July, in that year, our treaties with France were annulled, never to be revived. Our commissioners had no authority to stipulate for the payment of any sum for the mutual right to abrogate the treaties, nor to promise any compromise, further than to waive discussion of national indemnities, "if the French Government should desire it," although the Secretary of State was of opinion that our claims for national injuries growing out of the violation of treaties "would exceed" those of France. The second article of the treaty of 1800, though merely postponing the discussion of these treaties, so far recognised them; and the Senate struck it out of the treaty, if for no other reason, because it was inserted in violation of instructions, and was wholly inconsistent with the declaratory act of 1798. It will be seen, moreover, that towards the close of the negotiation the French ministers admitted that war existed. If the treaties with France were, from either cause, not in existence on the 30th September, 1800, the United States had no motive to sacrifice the interests of its citizens merely to induce that Government to renounce a nullity.

The next inquiry is, were the claims alluded to in the 2d article, whether national or individual, valid claims on France, and such as this Government had a national right to prosecute? It is conceded that if war existed the claims were extinguished. It is true that the negotiation was conducted by the ministers of both countries on the basis of peace; but it is also true that, before the close of the negotiation, the French ministers, discovering that it was in vain longer to contend for the existence of the ancient treaties, abandoned their pacific ground. The journal of our commissioners of the 12th September, 1800, states that the president of the French commission declared that, "if the Government should think proper to instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding that, if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed. The two other commissioners made similar declarations." And after the treaty was signed our own commissioners assumed the same ground; in their letter to the Secretary of State of the 4th of October, 1800, they say: "Nor is it conceived that the treaties between the United States and France have undergone a more nullifying operation than the condition of war necessarily imposes. Doubtless the congressional act authorizing the reduction of French cruisers by force was an authorization of war, limited, indeed, in its extent, but not in its nature. Clearly, also, their subsequent act, declaring that the treaties had ceased to be obligatory, however proper it might be for the removal of doubts, was but declaratory of the actual state of things; and, certainly, it was only from an exercise of the constitutional prerogative of declaring war, that either of them derived validity." To corroborate these opinions, it is only necessary to advert to some of the measures authorized by our Government. From May, 1798, to March, 1799, inclusive, various measures were adopted, which, taken together, made the war general and sanguinary. We renounced our treaties; authorized our merchantmen to arm; ordered the capture, by our public and private armed vessels, and the condemnation, of all armed French vessels, which included all afloat, for it was during the war between France and England; loans, appropriations, and taxes, for the purposes of war, amounting to more than twelve millions; ordered six seventy-fours and six sloops of war to be built; the raising of thirty-six regiments and two battalions; and, in case of invasion, the President was authorized to call into the field an army of of seventy-five thousand men. We captured eighty of the armed vessels of France, provided for the exchange of prisoners, and authorized retaliation on them by punishment, imprisonment, or death. If this was not making war upon France, it is difficult to conceive what constitutes war. The rights and duties of nations are not to be controlled or regulated by technical construction. War actually existed; the claims, not the treaties, were the cause of it, and the French commissioners had a right to resist those which were excluded upon that ground. If it suited the ministers of both countries to insist on the basis of peace to obtain particular advantages in the progress of the negotiation, their negotiations closed with opposite declarations, and, however it might have been negotiated, the treaty was, by striking out the 2d article, ratified by both Governments on the basis of war.

In defence of these claims much has been said about the various proposals made by our ministers to effect a compromise. It would be sufficient to say, so far as the responsibility of this Government is involved in the question, that the unauthorized acts of its ministers, never ratified, nor even perfected, cannot render it liable to pay either for the spoliations committed by another power, or for the renunciation of treaties, which it had solemnly declared void. But it is evident, from the history of the negotiation, that the ministers of the United States were determined never to admit the existence of these treaties, and that the ministers of France were equally resolved never to pay for the spoliations in question. On one side, it was contended that there had been no war, for the purpose of enlarging the amount of our individual indemnities; on the other, the same ground was assumed, to sustain the existence of the ancient treaties. The French ministers required a preliminary "discussion, in which the meaning of ancient treaties shall be determined, the principles of the laws of nations unfolded, and the application of these principles to the claims brought forward, whether national or individual, clearly shown." The American ministers, in reply, propose the project of a treaty for mutual indemnities. The expediency of providing suitable indemnities is concurred in; but, say the French ministers, "an indemnity cannot result except from an admitted contravention of an acknowledged obligation." On one side, the treaties of 1778 and 1788 were considered "as the sole basis of their negotiations;" on the other, they could not be regarded "as the basis of the present negotiation for any other purpose" than as it respected claims prior to the 7th July, 1798; when the United States, "by a solemn public act, declared that they were freed and exonerated from them;" and, as our ministers add, "that declaration cannot be recalled." They, at the same time, (8th May, 1800,) transmit the remainder of a project of a treaty. The correspondence was continued until August the 15th, 1800, when they write to the Secretary of State that "the negotiation must be abandoned, or our instructions deviated from." It was on the 20th of August, 1800, not for the sake of the claims now in question, nor for the value of treaties which had been annulled, but for the purpose of putting an end to the war, saving property not condemned, and our commerce from future spoliations, and under the impression that the French ministers were really desirous of providing for these spoliations, and sincerely estimated the ancient treaties at some value, that our ministers offered the following articles:

1st. "Let it be declared that the former treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the two Powers had intervened, except so far as they are derogated from by the present treaty.

2d. "It shall be optional with either party to pay to the other, within seven years, three millions of francs in money, or securities which may be issued for indemnities, and thereby to reduce the rights of the other as to privateers and prizes to those of the most favored nation. And during the said term allowed for option, the right of both parties shall be limited by the time of the most favored nation.

3d. "The mutual guarantee in the treaty of alliance shall be so specified and limited, that its future obligation shall be, on the part of France, when the United States shall be attacked, to furnish and deliver at her own ports military stores to the amount of one million of francs; and on the part of the United States, when the French possessions in America, in any future war, shall be attacked, to furnish and deliver, at their own ports, a like amount in provisions. It shall, moreover, be optional for either party to exonerate itself wholly of its obligation, by paying to the other, within seven years, a gross sum of five millions of francs in money, or such securities as may be issued for indemnities.

4th. "The articles of commerce and navigation, except the 17th article of the treaty, shall admit of modifications, reserving for their principle the rights of the most favored nation, where it shall not be otherwise agreed, and be limited in their duration to twelve years.

5th. "There shall be a reciprocal stipulation for indemnities, and these indemnities shall be limited to the claims of individuals, and adjusted agreeably to the principles and manner proposed by the American ministers in their project of a treaty heretofore delivered, except where it shall be otherwise agreed. Public ships taken on either side shall be restored or paid for.

6th. "All property seized by either party, and not yet definitively condemned, or which may be seized before the exchange of the ratifications of the present treaty, shall be restored on reasonable (though it may be informal) proof of its belonging to the other, except contraband goods of the United States, destined to an enemy's port. This provision to take effect from the signature of the treaty; and if any condemnations should take place contrary to the intent of this stipulation, before knowledge of the same shall be obtained, the property so condemned shall be paid for without delay.

Every stipulation in these propositions of a national character was reciprocal, whether relating to obligations or releases. These articles formed the basis of a very useless negotiation. The French ministers made a proposition in lieu of them, by which, to use the language of our ministers, the "indemnities may be sacrificed, and the treaties remain recognised and confirmed." Much negotiation took place, till, as the journal of the proceedings of the 12th September, 1800, states, the French ministers "openly avowed that their real object was to avoid, by every means, any engagement to pay indemnities; giving, as one reason, the utter inability of France to pay, in the situation in which she would be left by the present war." It was on that occasion that the president of the French commission made the declaration before alluded to, that if the Government should "instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treaties, he would resign sooner than sign such a treaty;" "that the present state of things was war on the side of America, and that no indemnities could be claimed." The other commissioners made similar declarations. The American ministers tell us that they abandoned "all hope of obtaining indemnities, with any modification of the treaties;" and that they determined, by a "temporary arrangement, to extricate the United States from the war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of captures during the present war." Had they directly and expressly renounced for ever the whole of the indemnities which were excluded by the basis of war, they would have exercised no other right than that which necessarily belongs to every Government, and which involves no liability for such renounced spoliations. They had prosecuted the negotiation with more than ordinary success. France commenced with claims for national indemnities, which she ultimately effectually abandoned, by the second article. She proposed a new treaty, on terms of national equality, on the condition of "an entire silence on the subject of indemnities;" yet she made a new treaty, embracing indemnities, not only for involuntary wrongs suffered by our citizens, but for her voluntary contracts with them; which class of claims we had no national right to enforce; nor was France bound to admit them. Our ministers had prosecuted these rejected claims till they had ascertained that France would not recognise them without our acknowledging the existence of treaties which had been extinguished by our solemn declaration and by war; and that, even if it had been possible or practicable to comply with their proposition, our claimants were to be put off with a promise—absolutely worth nothing—to pay at a remote and indefinite period, made by a Government declaring that its real object was to avoid indemnities. They determined (and justly determined) that we were under no national obligation to prosecute a class of claims, at least of doubtful validity, according to the law of nations, by sacrificing other classes for indemnities acknowledged to be due our citizens, amounting to millions, and by continuing the war between the two countries. But let our ministers speak for themselves. In their letter of the 4th of October, 1800, transmitting the convention, they say "that it was indispensable to the granting of indemnities, not only that the treaties should have an unqualified recognition, but that their future operation should not be varied in any particular, for any consideration or compensation whatever. In short, they thought proper to add, (what was quite unnecessary.) that their real object was to avoid indemnities, and that it was not in the power of France to pay them."

"No time was requisite for the American ministers to intimate that it had become useless to pursue the negotiation any further."

"It accorded as little with their views as with their instructions to subject their country perpetually to the mischievous effects of those treaties, in order to obtain a promise of indemnity at a remote period—a promise which might as easily prove delusive as it would reluctantly be made, especially as, under the guarantee of the treaty of alliance, the United States might be immediately called upon for succors, which, if not furnished, would of itself be a sufficient pretext to render abortive the hope of indemnity."

"It only remained for the undersigned to quit France, leaving the United States involved in a contest, and, according to appearances, soon alone in a contest, which it might be as difficult for them to relinquish with honor as to pursue with a prospect of advantage; or else to propose a temporary arrangement, reserving for a definitive adjustment points which could not then be satisfactorily settled, and providing in the mean time against a state of things of which neither party could profit. They elected the latter, and the result has been the signature of a convention."

Such were the convictions of our ministers as to the value of these claims, and such the high considerations which induced them to put an end to the war. It is against these explicit declarations, made after the treaty was signed, when our ministers had no motive to set up pretensions, whether well or ill founded, and against the plain language of the second article, which, even as it stood before it was expunged, effectually abandoned all pretensions, that the advocates of these claims quote the arguments of our ministers when they were urging them upon France in behalf of the claimants, and the declaration of Mr. Madison, in his letter to Mr. Pinckney, when urging our claims on Spain, that the claims from which France was released were admitted by France, and were relinquished for a valuable consideration. They were never admitted by France, except on the basis of the existence of treaties which were annulled, and they were abandoned only when it was discovered that France would not pay them; and then not to get rid of national obligations, but to prevent the sacrifice of millions due to our own citizens, and to put an end to the war.

It is not necessary to waste time in discussing the grave questions which have arisen about the great value which has been given to the second article of the treaty of 1800, by merely expunging it, when, if it had remained, it was utterly without value. The following is the article alluded to:

"The ministers plenipotentiary of the two parties not being able to agree, at present, respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

The Senate ratified the treaty, "provided the second article be expunged, and that the following article be added or inserted: 'It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of ratifications.'" Bonaparte returned it with another provision, "that, by this retrenchment, the two States renounce the respective pretensions which are the object of the said article." Of this provision Mr. Madison says: "I am authorized to say that the President does not regard the declaratory clause as more than a legitimate inference from the rejection by the Senate of the second article. The Senate did not, on our part, formally renounce our pretensions, but merely resolve that they considered "the said convention as fully ratified."

It is contended that our Government made itself liable by the act of the Senate in expunging the article from the treaty, and that valuable private property was thereby taken for public use. It is difficult to conceive how the act of the Senate could give value to claims, even the discussion of which had been indefinitely postponed by the article as it originally stood, and which discussion depended on the voluntary and exclusive decision of a Government which had declared it never would pay them, because they had been extinguished by war. The second article, whether in relation to the claims or to the treaties, was absolutely worth nothing to either of the parties or to their citizens. Mr. Murray, the minister who exchanged the ratifications, says, "If the Senate meant, as I hope, to consider indemnities as worth nothing, the business, I presume, is closed." Mr. Talleyrand states, as the declaration of Mr. Murray, among other things, and in the propriety of which he concurs, that the second article was renounced, "as susceptible of producing disquiets in future, by promising nothing but an ulterior and discordant negotiation." But whether these claims were indefinitely postponed by the treaty, as it was signed, or abandoned, as it was ratified by the Senate, or renounced, as it was ratified by Bonaparte—in either form they had no value. Indeed, if it is admitted, as it ought to be in truth and justice, that war actually existed, they never had any value as claims on France. Our Government had done all it could do for our citizens, and more than it had a right to do according to the strict rules of public law. It had discharged more than its obligations to the claimants, by continuing the negotiation to obtain them from April to September, 1800, while the country was involved in war; and the claims were never abandoned until they were ascertained to be hopeless.

But the treaty of the 30th September, 1800, though promptly carried into effect by the United States, was never executed by France. The claimants who were provided for by that treaty were but little better off than those now petitioning for relief. For, although that treaty was ratified, and France had solemnly engaged to indemnify our citizens, these promises remained unperformed till the date of the treaty of 1803. Instead of indemnity, we enjoyed nothing but the privilege of a vexatious and protracted negotiation; and our citizens, judging from subsequent experience, would have remained urging their claims to this day, but for the accidental purchase of Louisiana, which country France, in a moment of alarm, transferred to the United States, to prevent that vast territory from falling a conquest to the arms of Great Britain. Instead of indemnity, we had only the dissatisfaction of learning, from the ministers of that Government, that whenever we should be paid, according to their construction of the treaty of 1800, large classes of our claims would be excluded. As late as March, 1802, in reply to the French minister, Mr. Livingston complains, "Nor is," says he, "the most distant hope, as yet, afforded them [the claimants] by your note of when or how they will be paid." Indeed, as late as April, 1802, they were still disputing about the provisions of the treaty of 1800, and denying that "indemnities for embargoes" were included in it. Mr. Livingston, as late as the 24th of January, 1803, in his letter to the Minister of Foreign Affairs, says, "I am told the gentleman at the head of the department considers the treaty as applying to debts contracted only under the present Government." And on the 8th of March, 1804, nearly a year after the treaty of 1803, the French Minister of the Public Treasury writes the Minister of Foreign Affairs:

"The principal object of this convention [of 1803] was to give satisfaction to the citizens of the United States and to the American Government, by procuring the execution of the treaty of September 30, 1800. The stipulations of it had remained until then without being executed, and gave rise to pressing solicitations by Mr. Livingston."

Such was the hopeless prospect of our acknowledged claims, when, in March, 1803, it was proposed to purchase a small portion of that immense territory which we acquired in the subsequent negotiation. In Mr. Madison's instructions to Messrs. Livingston and Monroe, on the 2d of March, 1803, he evidently contemplates a treaty on a different basis from that of 1800; he says:

"They [the United States] shall assume, in such order of priority as the Government of the United States may approve, the payment of claims which have been, or may be, acknowledged by the French Republic to be due to American citizens, or so much thereof as, with the payment to be made on the exchange of ratifications, will not exceed the sum of ——."

"It is apprehended that the French Government will feel no repugnance to our designating the classes of claims and debts which, embracing more equitable considerations than the rest, we may believe entitled to a priority of payment."

"We think the following classification such as ought to be adopted by ourselves:

“ 1st. Claims under the 4th article of the convention of September, 1800.

“ 2d. Forced contracts or sales imposed upon our citizens by French authorities.

“ 3d. Voluntary contracts which have been suffered to remain unfulfilled by them.”

This was nothing more nor less than a proposition for a new treaty on the basis of public law, which he further explains, viz:

“ Where our citizens have become creditors of the French Government, in consequence of agencies or appointments derived from it, the United States are under no particular obligations to patronise their claims, and, therefore, no sacrifice of any sort in their behalf ought to be made in the arrangement.” When the negotiation took a wider range, embracing the whole of Louisiana, and twenty millions were set apart for the payment of American claims, it was, undoubtedly, the intention of the ministers of both nations, whatever construction the commissioners may have subsequently given to the provisions of the treaty of 1803, to have given that treaty the most liberal and comprehensive effect. France had, then, no motive for excluding any class of claims; for the amount to pay the whole had been not only agreed upon, but was believed by both parties to be more than sufficient to meet every just and valid demand; and the United States could have been governed by no consideration but that of doing justice to our own citizens, in the order in which their claims would stand, according to the rules of public law. Mr. Skipwith thought, as late as the 30th July, 1803, that “ the American debt would fall much within the twenty millions for which we had engaged, and that all the fair creditors would be fully satisfied.” Mr. Livingston, in January, 1804, states that the nominal amount of the claims had been augmented by the presentation of many, either without foundation, without vouchers, which did not come within the treaty, or which had been paid. Difficulties having arisen about the true construction of the treaty of 1803, and apprehensions existing that the amount would not be sufficient to cover all the equitable claims, Mr. Madison says, in his letter to Mr. Livingston of January 31, 1804:

“ It is clear that the patronage of the Government of the United States is due, on prior considerations, more to some classes of the claimants than to others; to those, for example, whose property was wrongfully taken on the high seas by force, than to those who, by voluntary contracts, placed a confidence in the French Government, which was disappointed. It seems requisite, nevertheless, that some effort should be made in behalf of those whose claims were embraced by the convention of September 30, 1800, and not provided for by that of April 30, 1803.” Mr. Madison proposes various provisions for avoiding the effect of misconstruction of the treaty of 1803, and cautions Mr. Livingston “ that no waiver be made which may either still further weaken the claims against France, or give color for turning them over against the United States.” Mr. Livingston, in his letter of the 24th February, 1824, to the Minister of Foreign Affairs, says, “ the preamble of the convention expressly asserts that its object was to secure the payment of the sums due to the citizens of the United States, in compliance with the second and fifth articles of the convention of the 30th September, 1800.” He protests against the treaty's being limited to the claims embraced in the explanatory note as an “ inaccurate list,” and says, “ I do not hesitate to declare that it was the intention of the American plenipotentiaries to render the treaty as extensive as the preamble indicates, and to include all debts provided for by the convention of 1800, as far as the twenty millions would go, with some checks to prevent frauds by persons not truly American citizens, or the covering of foreign property under American names.” Mr. Skipwith, 25th February, 1804, complains to Mr. Livingston that “ a conjectural note rendered by a subordinate bureau of this Government, without even a signature being attached to it, was exclusively consecrated by the second article of the convention of 1803.” Mr. Marbois and Mr. Livingston both concurred that claims not included in the conjectural note “ might be paid in virtue of the convention.” The commissioners say, on the 22d March, 1804, that they had, on no occasion, said that they “ should limit their examination to the claims founded upon the conjectural note, provided they did not exceed the twenty millions of livres.” There was no disposition on the part of France to put any but the most liberal construction upon the treaty, and to make it as comprehensive as possible. Mr. Livingston says, in his letter of 25th July, 1804, “ it is certain that France will take care, if there are any claims due under the convention of 1800, unsatisfied by the narrow construction of our agents, to extend the last convention to all such claims.”

“ In settling the sums due for embargoes, the French Government have, contrary to all expectations, granted more even than was asked in many cases.”

“ The Emperor has taken up the idea that the twenty millions was to cover the whole demand under the convention, and, for this reason, he will make it embrace as many objects as possible.”

It is evident that the French Government, from a manifest motive of interest, was disposed to include every claim possible in the treaty of 1803, because, as it will be seen on examining that treaty, France had exonerated the United States, reserving to herself the responsibility for all that might be rejected by the board of commissioners. It was undoubtedly the intention of those who framed the treaty of 1803 that it should comprehend the claims designed to be paid by the treaty of 1800. The two treaties, however, vary materially; and the board of commissioners, being obliged to be governed by the last treaty, were under the necessity of excluding some claims which were designed to be provided for by the treaty of 1800, and of admitting others which were not stipulated for in that treaty. By comparing the provisions of the two, the difference between them will be made manifest. The treaty of September 30, 1800, provides, in the

3d article, for the restoration of captured public ships.

4th article, for captured property not finally condemned to be restored, and also that which may be captured before the exchange of ratifications.

5th article, for the debts due from each nation to the citizens of the other; but not to extend to indemnities claimed on account of captures or confiscations.

The treaty of April 30, 1803, states, in the preamble, that “ the two nations, being desirous, in compliance with the second and fifth articles of the convention of 30th September, 1800, to secure the payment of the sum due by France to the citizens of the United States, have,” &c. Notwithstanding this unqualified recognition of the second article of the treaty of 1800, it was not intended by the plenipotentiaries of the two Powers to provide for claims not included in that treaty, but for all comprehended in it according to the American construction. The treaty of 1803, however, provides,

1st article, for debts due by France to citizens of the United States, before the 30th September, 1800, to be paid with interest from the time the accounts and vouchers were presented.

2d article, debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention. There was no such note attached to the convention of 1800.

3d article, the mode and time of paying the debts.

4th article, the preceding articles to comprehend no debts but such as are due to citizens of the United States who have been, and are yet, creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in said convention of 30th September, 1800. There are, in the convention of 1800, no such specifications, no reference to appeals, and no time fixed within which they shall be made.

5th article. The preceding articles shall apply only,

1st. To captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French republic, and only in case of the insufficiency (insolvency) of the captors.

2d. The debts mentioned in the said fifth article of convention, contracted before the 30th September, 1800, the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the Government of the United States.

The said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed, nor reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who, by that reason and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist.

Contracts concerning merchandise, not the property of American citizens, equally excepted.

Whatever may have been the design of the ministers of both nations, this was essentially a new treaty, varying in some of its provisions from, and inconsistent with, other stipulations of the treaty of 1800. By referring to the conjectural note, as it will be seen, they recognised claims not provided for in the treaty of 1800; by specifying indemnities for embargoes, they abandoned the French construction of the treaty of 1800; by the reference to appeals to the council of prizes, there is an inconsistency with the treaty of 1800; and, on the other hand, the more definite exclusions in the treaty of 1803 set aside some claims which were probably designed to be provided for in the treaty of 1800. But, under the provisions of the former, notwithstanding the rejection of claims by the commissioners, there can be no doubt that, by specifying particularly embargoes and prizes made at sea, and by recognising the conjectural note, a much larger amount was included than would ever have been allowed under the treaty of 1800, as it was construed, previous to 1803, by the French Government. The commissioners were naturally embarrassed by the conflicting provisions of the two treaties, but were bound to be governed by that of 1803.

In examining the "conjectural note," specially recognised and placed in the first class of claims, they found some which were embraced in the second article of the treaty of 1800. Of the claims found on the note, sixty-eight were rejected, all of which occurred in 1793, '4, '5, '6, '7, and '8; and of these, six-and-twenty cases were rejected, not because they did not come within the provisions of the treaty of 1803, for captures, but because they were "never before the council of prizes." Whether any, or how many, of these claims were allowed cannot be ascertained, as no list of claims admitted was published. There were claims for "indemnities" on every list; and, besides those found on the conjectural note, two hundred and six cases were admitted by the board, and among these, in this class, which were rejected, are to be found some of the largest captures made by France, and not included in the treaty of 1800. Cases of capture were admitted and examined, which were made not only before the renunciation of the treaties in 1798, but after the war had begun. Claims of every description, under the denomination of captures, seizures, indemnities, freight, supplies, condemnations, bills, money deposited in the treasury at Guadaloupe, goods plundered, detention, balances, requisition, embargoes, specie captured, contracts, demurrage, ordnance, bills from the Isle of France, &c. &c. In short, it seems that every claim which ever existed against France, no matter of what date or character that could be, was presented. The conjectural note embraced—

Credits recognised by the ex-commission, about - - - - -	3,500,000
Claims to be liquidated, about - -	5,000,000
Claims not yet examined, about - -	2,500,000
Claims of a nature unknown, about -	5,500,000
Claims under the embargo of 1793, about -	3,300,000
Livres,	19,800,000

If there were any claims on France not presented to the board of commissioners under the treaty of 1803, it must have been those still pending before the council of prizes. In January, 1805, Mr. Skipwith applied to Mr. Armstrong for money "to enable him to institute judicial proceedings on thirty-five cases of capture, or depredation on American vessels;" and Mr. Delagrange says, in January, 1806, there are sixteen cases before the council of prizes, all of them but one "are for captures posterior to the convention of 1800, and even some have been made after that of 1803; no doubt, therefore, that a favorable issue may be expected for the whole of them." How could these have been included in the treaty of 1800? Mr. Skipwith says, in his application to the council of prizes, complaining of delay, that some of the captures were made "by privateers out of the French Antilles, having set sail either from St. Domingo, Guadaloupe, or from other possessions of the republic." It was to the claims before the council of prizes to which the commissioners referred, in saying that "such claims as come in late, amongst which, we fear, will be found most of the prize causes, must remain undecided." There had been rejected by the board of commissioners in 1804, according to a full statement of its proceedings published by a member of the board, (from which these various statements are taken,) one hundred and seventy-four cases, amounting to more than nineteen millions of livres.

The claims which were not before the board of commissioners under the treaty of 1803 appear to have been those which had not been decided upon by the council of prizes; others, in which no appeal had been taken; and some, perhaps, which, from various causes, had not been presented at all. There is no doubt that most of the claims for captures prior to the 30th September, 1800, now existing, are those where the parties had neglected to appeal, and, in the language of the treaty of 1800, the property had not been "definitively condemned," or, according to the provisions of the treaty of 1803, they had not been before the council of prizes. For none of these could the United States be liable, because France was not so, by either of the treaties of 1800 or 1803. It was optional with the parties to present their claims, and neither Government can be made liable in cases which were not prosecuted to final judgment, either for the want of the means to do so, or from neglecting to appeal; nor can either Government be bound to indemnify those who never presented them at all to the board of commissioners. The recognition of the conjectural note in the treaty of 1803 authorized every claimant, having claims similar to those in the various classes in that note, to present them to the board, and that note embraced spoliations from the commencement of French depredations in 1798.

Of the rejected claims, amounting to more than nineteen millions, it is difficult to perceive how they can escape one of the clauses in the treaty of 1803, which is entirely new, and not to be found in the treaty of 1800. The last clause of the 10th article of that treaty provides that "the rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide, definitively, on such claim, so far as it concerns itself."

If, in deciding this question between the United States and its citizens, we are to abandon the rules which should regulate the conduct of Governments, and place limitations upon their paramount right to put an end to war, be the sacrifice of claims, national or individual, what it may; and if we are to adopt the narrow rules of technical construction in defining war, as the advocates of the claimants have done: then is every claim for French spoliations, according to such rules, extinguished by the treaty of 1803, so far as the United States are concerned. If, as is pretended, "these claims for spoliations were admitted to be valid by France on the 30th September, 1800," and were "finally, in the second article of the convention, [of that date,] spoken of as indemnities due," then would they have been admitted under the treaty of 1803, and allowed. If, on the other hand, they were not admitted to be valid by France on the 30th September, 1800, as is the fact, there can then be no valid claim on the United States, because there was none on France. But, whether they were valid or not on the 30th September, 1800, they were extinguished by the treaty of 1803, which was, whatever may have been the intention of its framers, a new treaty, binding on both nations, and on all the claimants for French spoliations, and the only treaty between France and the United States on the subject of indemnities which has ever been faithfully executed by the former Power.

The rights of the United States cannot be affected in any manner by the pretensions which ministers may set up on one side or the other pending a negotiation. If claims upon this Government are to be founded on such grounds, and the histories of all our negotiations are to be searched for pretensions and admissions, to enforce claims for spoliations which have been renounced for public considerations, many may be found where we have sacrificed the property of our citizens for considerations far more valuable than the revolutionary treaties of 1778, violated by one party, renounced by the other, and, in their origin, contrary to the laws of nations. If a commission is to be opened for these five millions, in this ancient case, then necessarily follow similar commissions in every case, for all the claims we have abandoned since the adoption of the constitution. For the valuable consideration of peace with Great Britain, we abandoned our claims for her lawless outrages upon our commerce, under her orders in council; and, for the same valuable consideration, we surrendered our claims upon the Barbary Powers, for their piracies; even those who have claims rejected under the treaty of 4th of July, 1831, ratified by both nations, may come forward and plead the value of the empty pretensions set up by France about her perpetual and exclusive commercial privileges secured for ever by the 8th article of the Louisiana treaty. This perpetual obligation might be valued, perhaps, at the present price of that rich and immense country; for even that estimate would not be more extravagant than the value of the treaties of 1778, as contended for by some of the advocates of these spoliations.

Whatever may have been the sufferings and wrongs of our citizens from the lawless depredations committed on our commerce by France, it will be contrary to every rule of justice to transfer the responsibility of making indemnity to the people of the United States. Those who advocate the claims tell us of these wrongs, of captures and condemnations, seizures and confiscations; they establish these claims upon the foundation of violated treaties, and, at the same time, with singular inconsistency, deny our unquestionable right to renounce them. They ask their own Government to repeal its solemn declaration of 1798, and to acknowledge to the world that they had no right to renounce our treaties of alliance and commerce, and that the United States, and not France, had violated their national obligations. They are driven to the necessity, in endeavoring to make their own Government responsible, of repeating the unfounded accusations of France against the United States, of having been faithless to their pledges, and of renouncing, without cause, the solemn guarantees of a treaty. In the last extremity, in seeking an argument to support these claims, one of their ablest advocates tells us in a report made in 1830: "Our Government not only failed in making that firm and vigorous demand of justice that, under other circumstances, they would have made, but bartered the indemnity that was due to us for their own exoneration from dangerous and inconvenient engagements."

The history of our negotiations, and wars, and treaties, affords a most satisfactory answer to this extraordinary charge against our Government. The Government of the United States has a high duty to discharge to all its citizens; and that duty should be fulfilled with perfect justice. In our external relations, involving us in restrictions and wars, and exposing a portion of our citizens to lawless depredations, we are bound to interpose and obtain redress, if we have the power; but justice to the nation requires that our right should be unlimited, to determine how far we shall go, when we shall stop, and on what terms we shall terminate the contest, whether of restrictions or war. If, in terminating any such contest for all the claims of our citizens, we are obliged, no matter on what conditions, to sacrifice a part of them, those who suffer can have no claims upon a people who have volunteered their aid, submitted to taxation, and engaged in war, to redress their wrongs. The claims of our citizens are urged in the order in which they may be classed according to the rules of public law; and those sacrificed are generally such as are the last provided for by the usages of nations. These must be set down among the losses incidental to war, and the depredations which precede it. All such fall ruinously upon many portions of the nation, both at home and abroad, and without, in our internal calamities, the remotest chance of indemnity.

In the present instance, so far from not having made a "firm and vigorous demand of justice," we have discharged all, and more than all, our obligations to every claimant for French spoliations. We engaged, in the infancy of our resources, with a powerful and warlike nation, in a contest which cost millions; we negotiated the treaty of 1800, and adandoned no claims but those which were precluded by the law of nations. France was faithless to her engagements; we negotiated another treaty in 1803, and fortunately embraced an opportunity to assume the payment, by which twenty millions of livres were recovered to satisfy our claimants—a sum which was deemed, by the ministers of both nations, amply sufficient to indemnify our citizens for every valid claim on France existing in September, 1800, and depending on the rules of public law. We not only provided for claims for depredations committed in violation of the laws of nations, but for indemnities arising under voluntary contracts, in which cases the parties had no right to demand our interference.

Our Government has never been more persevering in its efforts; it has never negotiated with any nation a treaty embracing so great a variety of claims; and it has never been, in any instance, so successful in recovering them. We have made war, raised armies, submitted to taxes and loans, suffered all the calamities of war at home and abroad; and we are now told that we have not "made a firm and vigorous demand of justice;" and that those who have paid the expenses of a voluntary war must indemnify others, to redress whose wrongs the war was made.

No. 2.—Statement submitted by Mr. E. Everett.

The bill before the Committee on Foreign Affairs proposes to make satisfaction, to a limited extent, to such citizens of the United States as had valid claims to indemnity upon the French Government, arising out of illegal captures, detentions, forcible seizures, illegal condemnations, and confiscations, made or committed before the 30th day of September, 1800. The obligation of the United States to make this satisfaction rests on the following facts: The aforesaid claims were admitted by the Government of France to be valid, and that Government professed its willingness to make indemnification for them, provided the Government of the United States would, on its part, reinstate France in the enjoyment of the privileges of the treaties of alliance and amity of 1778 and the consular convention of 1788. The Government of the United States deemed it its duty to refuse thus to restore France to the privileges of the treaties, and, by the negotiation and ratification of the convention of 30th September, 1800, allowed the private claims of its citizens against France to be offset by the public claims of France against the Government of the United States. This principle of the bill will be explained in the progress of this report, but it may first be proper to submit one or two preliminary considerations.

The bill proposes to make satisfaction to the citizens of the United States whose private property was thus taken for public use; but the amount to be paid is limited to five millions of dollars. It is not proposed, should the bill now pass, to take this amount immediately from the treasury. A commission is to be created, and to sit for three years, to examine and liquidate the claims, and it will not be until the close of their labors that the amount appropriated will be drawn from the treasury. This cannot take place before the year 1838. There will at that time, under the operation of the present revenue system, be funds in the treasury fully adequate to meet this demand. It is probable that the sales of the public domain for the year 1838 will not fall short of five millions of dollars. It will accordingly be in the power of Congress, when the time of payment arrives, to make provisions for it which will not incommode the Treasury nor impose any burden on the people.

It seems proper to make a preliminary remark on the antiquity of the claims as ground of prejudice against them. The nature of the claims is not altered by their age. If valid in 1800 they are valid now. They were urged by the claimants then, and ever since, whenever it could be done with the least prospect of a favorable hearing. They have not been urged on France, because the Government of the United States has undertaken to release France from the obligation of paying them. They have been steadily, respectfully, and patiently urged on our own Government. The causes which have prevented their allowance thus far can easily be pointed out, in the history of the country and the state of its finances; and those causes having now at length ceased to exist, the time seems to have come for their equitable adjustment.

The entire payment of the public debt seems to mark an auspicious period for the satisfaction of these claims. That event releases the whole surplus of the treasury, and discharges the public domain from the mortgage under which it lay for the redemption of the public debt. Nothing now stands in the way of a full acquittal of all the obligations of the country, but the satisfaction of the claims of our citizens, whose right of recourse to the French Government was taken from them, for a great public object, by the Government of their own country. To the moral influence of the example of a Government free from debt, as well as to the just complacency which the citizens of a country may feel in that freedom, it is absolutely necessary that its debts should have been paid off, not wiped off. So long as the present class of claims remains unadjusted, a large number of the citizens of the United States will remain under the painful impression—an impression fortified by a solemn act of the Senate of the United States—that their property has been taken from them without their consent, and without compensation, by the Government of their own country.

It deserves particular remark, in this connexion, that this class of claims is the only class for which satisfaction has not been obtained by our Government. In the collisions with foreign countries to which we have been exposed while carrying on a neutral commerce with numerous belligerant nations, we have had to complain of illegal seizures and acts of violence on the part of almost every nation. The claims against England, arising from these illegal and violent acts at a period coeval with the spoliations of France for which indemnity is now sought, were satisfied by Great Britain more than thirty years ago. After a lapse of twenty years, the claims against Spain, in nature identical with the present class, were satisfied under the Florida treaty. The claims for supplies, for embargoes, and for captures for which restitution was ordered by the council of prizes, were satisfied by the Louisiana convention, in 1803, to the amount of twenty millions of francs. Claims to a smaller amount on the Governments of Russia, Sweden, Denmark, and Naples, have been at different times satisfactorily discharged by those Powers. At the present moment, a convention of indemnity is pending with France for the payment of the claims of our citizens on that Government which accrued under the continental system of Napoleon. It is matter of loud and just complaint against that Government that it has so long delayed the payment of claims the justice of which was never denied and is now enforced by a treaty. But the justice of the claims prior to 1800 was in like manner admitted by France in the negotiation, and a willingness to make indemnity steadily professed, on conditions whose justice cannot easily be controverted. The United States voluntarily purchased a release from those onerous public conditions by a sacrifice of the private claims. The obligation to pay them, before incumbent on France, passed over in all its force to the United States. The treaty of 4th July, 1831, does not impose a stronger obligation on France to pay the one set of claims, than, in the judgment of the claimants, the treaty of the 30th September, 1800, imposes on our own Government to pay the other. The justice of our own Government ought to be as safe a reliance to the one class of claimants as the faith of France is to the other.

With these preliminary remarks, the House will be prepared for the following condensed statement of the merits of the question. It deduces its origin from the very commencement of our relations with the French Government. It is well known that one of the most important incidents of the revolutionary war was the alliance with France, an event of incalculable importance and benefit at the time it was concluded, but subsequently productive of great embarrassment and inconvenience, from which the Government of the United

States eventually disentangled itself by the renunciation of these very claims for which satisfaction is now asked by our citizens whose property was thus appropriated for a great public end. This fact will satisfactorily appear in the sequel, and it warrants the statement, that if the five millions of dollars which the bill appropriates be regarded, in one light, as the sum forfeited for a release from the heavy burdens of the treaty of alliance; on the other hand, and by parity of reasoning, it is the only price ever paid by the United States of America for the all-important benefits which accrued from the alliance during the revolutionary war.

By the eleventh article of the treaty of alliance of the 6th February, 1778, the two Governments, viz. those of France and the United States, entered into mutual guarantee with each other. France guarantied to the United States "their liberty, sovereignty, independence, and possessions;" and the United States guarantied to France their then present possessions in the West Indies, and all they might acquire by a treaty of peace. By the twelfth article, the reciprocal guarantee was to take effect in case of a rupture between France and England, and from the moment a war should break out.

On the same day with the treaty of alliance, a treaty of amity and commerce was concluded between the two countries. By the 17th article it was provided that the ships of war and privateers of the two countries should have free access to each other's ports with their prizes; while, on the contrary, the enemies of France or the United States should be permitted to enter only when forced by stress of weather, and then to depart as soon as possible. Subjects of a third Power, at war with France or the United States, were, by the 22d article, forbidden to fit out privateers, or even victual them, in the ports of either country, respectively; and, by the 23d article, freedom of trade with the enemies of either party, except in articles contraband of war, and the principle that free ships make free goods, were established. In 1788, after six years of perplexed negotiation on the subject, a consular convention was entered into, by which it was stipulated that the consuls of each nation should have jurisdiction, in the ports of the other, in all civil cases relating to the vessels and crews of their own nation.

Such was the state of things existing between the two countries, as ascertained by three solemn treaties and conventions. It is not easy to say on which side the balance of advantages and burdens lay. During the revolutionary war, the benefits secured to the United States were inestimable, the burdens imposed absolutely nominal, and consisting merely of an obligation to make common cause with France for the defence of her West India colonies, which it would, at any rate, have been our interest, so long as the war should last, to do. On the acknowledgment of the independence of the United States, and the establishment of peace with Great Britain, the scale was turned. The United States had now nothing to gain but the aid of France in a future war with Great Britain, (an event not likely soon to occur,) while they were burdened with a guarantee of the French West Indies, and with a stipulation of privileges to French privateers, which could hardly fail to drag them into the vortex of European politics, and which, in fact, seemed to compel them to plunge into a war with Great Britain whenever a rupture should take place between that country and France.

The march of the French revolution brought on this event sooner than it might otherwise have happened. Hostilities commenced in the year 1792, and soon extended to the principal European Powers. The question, whether the *casus fœderis* had arisen, was not immediately agitated. The warmest sympathy in the fortunes of France was generally expressed, in the United States, in the early stages of the revolution. Our remoteness from the scene of action, and total want of a naval power, precluded the idea of our engaging in the war, had it been demanded by France under the treaty of alliance. But the question was not at first raised, and it is satisfactory to reflect that the first serious causes of complaint did not proceed from the United States.

On the 9th May, 1793, a decree was issued by the national convention, authorizing French ships of war and privateers to arrest and bring into the ports of France all neutral vessels laden with provisions destined to an enemy's port, or with merchandise belonging to an enemy. Indemnity was promised, by this decree, to the neutral owners who might suffer by its operation; and it was made retrospective, so as to extend back to the declaration of the war. It was admitted, in the preamble to this decree, that it was a violation of the rights of neutrals; but the necessity of the case was pleaded.

This decree was in direct violation of the twenty-third article of the treaty of amity and commerce between the two countries. Accordingly, our minister at Paris, Mr. Gouverneur Morris, remonstrated with the French Government against its application to our vessels, and obtained, on the 23d, a declaration of the convention, that the vessels of the United States were not included in the decree of the 9th. Five days after the declaration of the 23d was rescinded, and American vessels left within the sweep of the decree of the 9th. On the 1st of July a new declaration was made that American vessels were not included in the decree of the 9th of May; and, on the 27th of July, this new declaration was substantially rescinded, and it was announced that the provisions of the decree of the 9th of May were maintained. They had been, in fact, maintained and enforced during all these discreditable vacillations in the legislative acts of the convention, and a vast amount of American property was wrested from its owners.

The commercial interest of this country was thrown into a state of great alarm by the decrees of France, and it was deemed expedient, by the administration of General Washington, that a circular should be addressed to the merchants of the United States, to tranquillize them by an assurance of protection and redress. It was accordingly issued by Mr. Jefferson, Secretary of State, on the 27th of August 1793, and contains the following assurance: "I have it in charge from the President to assure the merchants of the United States, concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas or in foreign countries, contrary to the law of nations and existing treaties; and that, on their forwarding hither well-authenticated evidence of the same, proper proceedings will be adopted for their relief." It thus appears that, while indemnification was volunteered by France for the losses sustained under the decree of the 9th of May, 1793, and those by which it was enforced, an assurance that their rights should be protected was also spontaneously given to our merchants by the Government of their own country.

At about the same period with these violations of our neutral rights by France, a course of policy was announced and adopted by the United States towards France, which was complained of by the latter as an infraction of the treaties of commerce and alliance, and the consular convention.

The proclamation of neutrality, of April 22, 1793, was declared by France to be inconsistent with the obligations of the treaty of alliance. It is not necessary here to discuss the policy of that measure on the grounds excepted to by France. It was held by two of General Washington's cabinet that the *casus fœderis* was one of defensive war on the part of France, and that the existing war was offensive. The other two members deemed it not necessary to decide that question, and President Washington is not known to have expressed an opinion on the subject. Chief Justice Marshall observes of it, that "it was intended to prevent the French minister from demanding the performance of the guarantee contained in the treaty of alliance, and it was admirably calculated to prepare the minds of the people for approving of the refusal which, if he made the demand, Washington was resolved to give him." The embarrassing nature of the obligations of the treaty of alliance were thus early felt, and brought the cabinet of General Washington to the conclusion that it was absolutely necessary to encounter the inconveniences of refusing to fulfil them.

This proclamation was pronounced, on the part of France, to be "insidious." Other acts of the American Government were also complained of. In the month of August, 1793, instructions issued from the Treasury prohibiting the fitting out privateers in our ports. Embarrassments were alleged by the French consul and ministers to have been thrown in the way of the sale of prizes brought in by their privateers; complaints were made that the armed vessels of England were admitted to our ports, and that supplies of provisions were refused to the French West Indies, which we had guarantied to France.

Such were the complaints of the two parties against each other, during the year 1793. The same or similar grounds of dissatisfaction existed during the year 1794. The United States persisted in their neutral policy; and France, besides withholding the indemnity promised by the decree of 1793, gave new and greatly aggravated matter of complaint, by an embargo on American vessels at Bordeaux, by refusals to pay the bills drawn for supplies in the West Indies, and by a general system of depredation on our commerce.

In the summer of 1794 Mr. Morris was recalled, at the request of the French Government, and Mr. Monroe was sent as a minister to France in his stead. He repaired to his post with the most friendly feelings toward France. His negotiations were carried on in a spirit of mutual forbearance, each party, perhaps, being conscious that it had given the other ground for reclamations; the French, in violating our rights as neutrals, and in extensive spoliations on our commerce; and the United States, in a policy in some degree inconsistent with the obligations of the treaty of alliance.

"In this state," to use the language of Mr. Livingston, in his report on this subject, to the Senate of the United States, made February 22, 1830, "things remained; each party fearful of pressing, lest it should in its turn be pressed by the other; and mutual forbearance produced the effect which moderation and prudence lead to in public as well as private affairs. The language of recrimination had nearly ceased, and every thing seemed to promise a speedy and satisfactory accommodation. After some difficulty, Mr. Monroe, on the 10th November, 1794, obtained from the French Government an *arrêt*, ordering an adjustment of the accounts of American citizens for the embargo at Bordeaux, for the supplies rendered to the Government of St. Domingo, by which all the embarrassments of our direct commerce with France, and with other countries, so far as they had been created by that Power, were done away. 'In short,' says Mr. Monroe, 'all the objects to which my note of the 3d September extended, were yielded, except that of allowing our vessels to protect enemy's goods;' which last point was yielded on the 3d January, 1795. And, in a message to Congress of the 20th February following, the President says: 'It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two republics, (France and the United States,) and that those claims (of the American citizens) are in a train of being discussed with candor and amicably adjusted.'

"During the discussions which produced these prospects of amicable arrangement, the treaty between the United States and Great Britain had been negotiating. As was natural, it produced some jealousies and suspicions; but the solemn assurances which Mr. Monroe was instructed to make, that 'the motives of Mr. Jay's mission were to obtain immediate compensation for our plundered property, and the restitution of the posts;' and that 'he was positively forbidden to weaken the engagements between this country and France;' and the instruction he received to 'repel with firmness any imputation of the most distant intention to sacrifice our connexion with France to any connexion with England;' all these contributed to produce the effect which has been described. When the terms of that treaty came to be known, the face of affairs was immediately changed. France complained that her interests were sacrificed by stipulations with her enemy, inconsistent with those we had made with her in relation to the shelter to be given to ships of war; that we had enlarged, to her prejudice, the list of contraband, and even admitted that provisions might be such, at a time when her enemy was endeavoring to starve her. These and other complaints were urged with great acrimony. On our part, we asserted that the rights of France were reserved by an express article; and that, having done this, she had no right to complain of any treaty which, as an independent nation, we had a right to make. The construction which Great Britain put on the treaty, by capturing all our vessels she could find carrying provisions to France, increased the irritation; while the payment in case of capture, which we had stipulated for, gave it in their minds the appearance of a collusive contract to their prejudice. France also complained, and more seriously, of the new rules to which she was subjected in relation to her privateers and prizes, and which had their authority only in the British treaty of 1794.

From the period of the negotiation of this treaty the tone of the French Government and French ministers towards the United States was materially changed. It was considered not merely as a violation of existing engagements with France, but as evincing a disposition friendly towards Great Britain, and in the same degree hostile to France. On the 2d of July, 1796, the French Directory "decreed that the flag of the republic should treat all neutrals, either as to confiscation, searches, or capture, in the same manner as they shall suffer the English to treat them." This was followed by a notification "that the Directory considered the stipulations of the treaty of 1778, which concern the neutrality of the flags, as altered and suspended in the most essential points," by the treaty with Great Britain.

In consequence of the ground thus taken by the Directory, a wide-spread and indiscriminate havoc of our commerce ensued. The illegal decrees of the Government in France were responded to by the authorities of the French West Indies, and American vessels became the prey of indiscriminate seizure and plunder. In November, 1796, Mr. Adet, the French minister, made a formal demand of the Government of the United States for the execution of the guarantee of the treaty of alliance. In the spring of 1797, a decree was issued enlarging the list of contraband, and authorizing the capture of every American vessel not provided with a *role d'equipage*, or list of the crew, a document which, it was well known, the ships of the United States were not in the habit of carrying. In consequence of this decree several hundred American vessels were captured, before intelligence of it reached the United States. In the following year (1798) all vessels having on board goods, the product of England or her colonies, were declared lawful prize. The number of vessels captured under these various decrees was great. A list was published in the city of Philadelphia of the number of cases of capture between August, 1796, and June, 1797, amounting to three hundred and eight, the greater part *role d'equipage* cases.

These various acts of violence and infractions of the law of nations were, of course, a standing subject of complaint on the part of our successive ministers at Paris. As the success of the French arms, under Napoleon Bonaparte, became more decisive, the tone of the French Government grew more lofty, and the unwillingness of our own Government to come to extremities more manifest. On the recall of Mr. Monroe, General Pinckney was sent as his successor. The French Directory refused to receive him, and a commission of the three envoys, Messrs. Pinckney, Marshall, and Gerry, was sent to France. They were instructed to urge the claims with the greatest earnestness, but not to insist upon them as indispensable to a new arrangement. They were instructed, however, not to renounce them, nor "to stipulate that they should be assumed as a loan by the United States to the French Government," which had been proposed by the latter. These envoys were not received by the Directory, but, during their residence in France, they addressed to the Minister of Foreign Affairs an elaborate memorial on the subject of their mission. After describing the claims of citizens of the United States, arising from supplies and embargoes, they add, that "they pass to complaints still more important for their amount, more interesting for their nature, and more serious for their consequences;" and they then proceed to discuss the spoliation cases, being precisely those subsequently renounced by the second article of the convention of 1800, and now provided for by the bill under consideration. In a conversation between the Minister of Foreign Affairs (M. Talleyrand) and our envoys, and after the departure of two of them, in a conversation between the same minister and Mr. Gerry, M. de Talleyrand proposed that the United States should assume the payment of the claims as a loan to France.

The extreme violence of the measures of the French Government, and the accumulated injuries heaped upon our citizens, would have amply justified the Government of the United States in a recourse to war. But peaceful remedies and measures of defence were preferred. On the 28th of May, 1798, an act of Congress was passed, authorizing the capture, by public vessels of the United States, of "all armed vessels of the republic of France, which have committed, or shall be found hovering on the coast of the United States for the purpose of committing, depredations on vessels belonging to the citizens thereof." On the 18th of June a non-intercourse with France was enacted. On the 25th of June American merchant vessels were authorized to resist unwarranted searches by French vessels; to capture the aggressors; to recapture American vessels; with the proviso, that "whenever the Government of France, and all persons acting by or under their authority, shall disavow, and shall cause the commanders and crews of all French armed vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that Government against the merchant vessels of the United States, and shall cause the laws of nations to be observed by the said French armed vessels, the President of the United States is hereby authorized to instruct the commanders and crews of the merchant vessels of the United States to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue thereof."

On the 28th of June a law was passed authorizing the condemnation and sale of the captured property, which was subsequently paid back to France. On the 7th of July an act passed annulling the treaties and the consular conventions, and, on the 9th of the same month, the public vessels of the United States were authorized to capture the armed ships of France, and the President was empowered to commission private armed vessels for the same purpose.

These vigorous acts of defence and preparation, evincing that, if necessary, the United States were determined to proceed still further, and go to war for the protection of their citizens, had the happy effect of precluding a resort to that extreme measure of redress. The Directory of France, already sinking in popularity and influence, deemed it expedient, through the intervention of Mr. Murray, the resident minister of the United States at the Hague, to invite a renewal of negotiations. This accordingly took place. A new commission was nominated, consisting of Chief Justice Ellsworth, Patrick Henry, and Mr. Murray. Mr. Henry declined, and Governor Davie was appointed in his place.

And here it may be proper to mention an important circumstance in the history of these claims. It has sometimes been stated, as matter of prejudice against them, that they have been advocated with greater earnestness of late years than formerly; and it has been implied that, while the transaction was recent and well understood, the obligation of the United States was considered less manifest than since. The circumstance has no foundation in fact, for the obligation of the United States to make satisfaction to the citizens, whose claims had been renounced, was clearly admitted in the report of a committee of the House of Representatives in 1807. But it is only of late years that the means of doing full justice to the merits of the question have been accessible. In answer to a call of the Senate of the United States, made in 1824, a large volume of documents was communicated from the Department of State, and published in 1826, in which, for the first time, the most important points in the case were placed in their true light. An impenetrable veil of secrecy had hitherto hung over the instructions of Messrs. Ellsworth, Murray, and Davie; over their negotiation with France; their correspondence with their own Government, and the correspondence of Mr. Murray with the French Government, relative to the ratification of the convention of 1800. These documents, which establish conclusively the fact that the spoliation claims on the part of the United States, and claims for the restoration of the treaties, were set off against each other, and that the Government of the United States purchased its release from the onerous conditions of the treaties by the sacrifice of the claims of its citizens, were, for the first time, published in the fifth volume of the papers of the Senate for the first session of the nineteenth Congress. Their appearance has manifestly given a new impulse to public sentiment in favor of the claims.

The instructions to Messrs. Ellsworth, Murray, and Davie, bore date the 22d October, 1799, and contained the following direction. "At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make to the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures, or condemnation of their vessels and other property, under color of authority or commissions from the French republic or its agents."

Our commissioners arrived in Paris on the 2d of March, 1800. They found the Directory subverted, and Bonaparte in power as First Consul. On the 8th of the month Joseph Bonaparte, M. Fleurieu, and M. Rœderer, were appointed to conduct the negotiation on the part of France.

On the 7th of April (their respective full powers having in the mean time been satisfactorily exchanged) the commissioners on both sides proceeded to the duties of the negotiation. It was opened by a note from the American ministers, in which they thus express themselves:

"To satisfy the demands of justice, and render a conciliation cordial and permanent, they propose an arrangement, such as shall be compatible with national honor and existing circumstances, to ascertain and discharge the equitable claims of the citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations."

On the 9th of April the French commissioners made their reply, in which they say: "They think the first object of the negotiation ought to be the determination of the regulations and steps to be followed for the estimation and indemnification of injuries for which either nation may make claim for itself or any of its citizens."

These extracts evince a mutual recognition of the justice of a reciprocal satisfaction of the just claims of each party on the other.

On the 18th of April our envoys presented to the French commissioners a *projét* of a treaty. The first article is in the usual form, establishing peace and amity. The second is in these terms:

"Whereas complaints have been made by divers merchants and other citizens of the United States, that, during the course of the war in which the French republic is now engaged, they have sustained considerable losses and damages by reason of irregular or illegal captures and condemnations of their vessels and other property, in the ports and places within the jurisdiction or dominions of the said republic, or under color of authority or commission from the same, for which losses and damages they have failed, without manifest neglect or wilful omission on their part, to obtain adequate compensation, it is agreed that, in all such cases, full and complete compensation shall be made by the Government of the French republic."

On the 6th of May the ministers on the part of France returned an answer to this communication of the American *projét*. They here, for the first time, touch the matter out of which grew the great embarrassment of the negotiation. In the close of their second article, the American ministers had introduced this provision: "The board of liquidation to be raised shall decide the demands according to their original and intrinsic merits, conformably to justice and the law of nations; and in all cases of complaint prior to the 7th of July, 1798, they shall pronounce agreeably to the treaties and consular convention then existing between France and the United States."

The 7th of July, 1798, was thus designated, because on that day the United States had passed a law purporting to annul the treaty and the consular convention. Supposing that annulment to be valid, the claims before that day would rest on the obligation of the treaties, and after that day they would rest only on the law of nations and the principles of equity and justice. The distinction was nominally, and in the consideration of the French commissioners, of great moment; in practice, it was probably of little consequence. The acts complained of by our citizens were as much in contravention of the law of nations as of the treaties. Alluding to the distinction taken by our envoys, the French commissioners thus express themselves in their letter of the 6th of May, 1800:

"The ministers see no reason which authorizes a distinction between the time prior to the 7th of July, 1798, and the time subsequent, for the purpose of applying to damages, which have taken place in the former, the dispositions of the treaty, and only the principles of the law of nations to those which have taken place during the latter. The instructions of the ministers of the French republic have pointed out to them the treaties of alliance, friendship, and commerce, and the consular convention, as the only foundations of their negotiations. Upon these acts has arisen the misunderstanding, and it seems proper that upon these acts union and friendship should be established. When the undersigned hastened to acknowledge the principle of compensation, it was in order to give an unequivocal evidence of the fidelity of the French Government to its ancient engagements; every pecuniary stipulation appearing to it expedient, as a consequence of ancient treaties, and not as a preliminary of a new one."

The objection of the French commissioners to the distinction in question, it must be confessed, is of a pretty plausible character. It was expressed by our envoys in the following candid terms: "The French think it hard to indemnify for violating engagements, unless they can thereby be restored to the benefit of them!" But our Government deemed it absolutely necessary to refuse to renew the treaties; and when all other inducements to persuade the French to forego them failed, they were bought off by a renunciation of the claims of our citizens.

The strength of the French objection to making indemnity without obtaining the renewal of the treaty will appear from the following extract from the journal of our envoys, under date 23d May, 1800:

"The French ministers had frequently mentioned in conversation the insuperable repugnance of the Government to yield its claims to the anteriority [preference] assured to it by the treaty of 1778, urging the equivalent alleged to be accorded by France for this stipulation; the meritorious ground on which they generally represented the treaty stood; denying strenuously the power of the American Government to annul the treaties by a simple legislative act; and always concluding that it was perfectly incompatible with the honor and dignity of France to assent to the extinction of a right in favor of an enemy, and much more so to appear to acquiesce in the establishment of that right in favor of Great Britain. The priority with respect to the right of asylum for privateers and prizes was the only point in the old treaty on which they had anxiously insisted."

On the 23d of May the American envoys were informed that the French commissioners were at a stand, for the want of fresh instructions from the First Consul; those which they had started with resting on the basis of a renewal of the former treaties and the consular convention of 1778. The First Consul was then in Switzerland, and this circumstance created considerable delay. Before his return, the American envoys proposed an article, which went to put off the payment of indemnities till the United States should have offered to put France on an equal footing with any other Power in respect to asylum for privateers. As this could not be done while the British treaty of 1794 subsisted, an intimation was made by our envoys that such an article might be offered to France in a little more than two years, that is, after the expiration of the period to which the British treaty was limited.

On the return of the First Consul, a decisive answer was given by the French commissioners, rejecting the modified proposal of the American envoys, and concluding with the following alternative:

"Thus the propositions which the ministers have the honor to communicate to the envoys are reduced to this simple alternative:

"Either the ancient treaties, with the privileges resulting from priority, and the stipulation of reciprocal indemnities—or a new treaty, assuring equality without indemnity."

On the 15th of August our envoys had an interview with the French ministers, for the purpose of further explanation of some points in the last note received from them, and the following is the account given in the journal of our envoys of the result of this interview:

"It now became necessary to decide whether the negotiation should be broken off, or the instructions departed from; whether the treaties should be revived, or the indemnities sacrificed; and if the treaties were revived, whether (after considering the text of the French note, and the obstinacy with which the ministers adhered to it) an attempt should be made to effect a modification that might enable our Government to extinguish the exclusive privileges of France."

In pursuance of this last idea, the American envoys made a proposal to the French ministers, embracing substantially the following provisions:

1. To revive the former treaties.

2. To allow either party, within seven years, by paying three millions of francs, to reduce the rights of the other party to the footing of the most favored nation, on which footing, also, the right, meantime, is to rest.

3. To commute the mutual guarantee into an obligation that, when the United States shall be attacked, France shall furnish them one million of francs in military stores; and when the French possessions in America, in any future war, shall be attacked, the United States shall furnish one million of francs in provisions; and, further, that either party may wholly liberate itself from the obligation of guarantee by paying to the other, within seven years, five millions of francs.

Other articles in this proposed arrangement made provision for the mutual stipulation of indemnities and restoration of captured property.

But the French ministers persevered in rejecting all arrangements, founded on the condition included in the second article, that for the present, and till a final disposition of the subject was made, they were to relinquish their privileges under the treaties. Not only was the use of our ports for their privateers of very great importance to them in carrying on the war with Great Britain, but they perceived that, by the treaty of 1794 with England, the American Government was inextricably embarrassed on this head.

They accordingly reply in the following terms:

"In the last conference it was clearly understood, and even reduced to writing, that the first part of the alternative, (viz: maintaining the treaties with indemnity,) essentially excluded all modification, operating upon any one of the points controverted in the negotiation, and especially on the privileges secured to the French nation (by the treaties and consular convention) over other Powers. The note, however, of the American ministers proposes an essential modification of the 17th article of the treaty (of amity and commerce.) It is, therefore, evident that this note rests upon the second part of the alternative, which consisted of an offer of a new treaty without indemnity. The French ministers, therefore, insist upon the condition that all stipulation for indemnity be laid aside."

The French ministers, however, notwithstanding this protest, add, "that France will give to the United States a new proof of her amicable intention, by consenting, at the same time, to the modification of her treaties, and to the principle of indemnities."

They then offer a counter project, embracing the following provisions, in substance:

1. Full revival of ancient treaties.

2. Commissioners to be appointed to liquidate losses on both sides.

3. The right of French privateers in the ports of the United States, secured by the 17th article of the treaty of commerce of 1778, is continued in full force, with a proviso saving for seven years the like right which may have accrued to England by the treaty of 1794.

4. If the United States do not, within seven years, establish to France her rights entire under this article, the indemnities awarded shall not be paid.

5. The guarantee shall be commuted into a supply of two millions of francs, (annually,) or redeemed by a payment of ten millions.

These propositions, besides other disadvantages, were incompatible with the obligations which had been created by the treaty with Great Britain, commonly called Jay's treaty. The American envoys accordingly offered, on the 29th of August, another proposal, which, in substance, was as follows:

That, in consideration of eight millions of francs, to be paid by the United States to France, the United States should be released from the obligation of guarantee under the treaty of alliance, and the rights of France, under the 17th article of the treaty of commerce, should be reduced to those of the most favored nation. In addition to this, indemnities were to be allowed and paid.

On the the 5th of September a counter *projet* was returned by the French ministers, in the following laconic despatch:

"*To the Ministers Plenipotentiary of the United States at Paris:*

"We shall have a right to take our prizes into the ports of America.

"A commission shall regulate the indemnities which either of the two nations may owe to the citizens of the other.

"The indemnities which shall be due by France to the citizens of the United States shall be paid for by the United States; and, in return for this, France yields the exclusive privilege resulting from the 17th and 22d articles of the treaty of commerce, and from the rights of guarantee of the 11th article of the treaty of alliance.

BONAPARTE.
C. P. C. FLEURIEU.
RŒDERER."

To this proposal the American envoys returned the following answer:

"*For the Ministers Plenipotentiary of the French Republic:*

"The American ministers consider the propositions received from the ministers of France yesterday, (under date of the 17th Fructidor,) as altogether inadmissible. The nearest approach to them which the envoys can make, is,

"1. The former treaties shall be renewed and confirmed.

"2. The obligations of the guarantee shall be specified and limited, as in the first paragraph of their third proposition of the 20th of August.

"3. There shall be mutual indemnities, and a mutual restoration of captured property not yet definitively condemned, according to the fifth and sixth propositions of that date.

"4. If, at the exchange of ratifications, the United States shall propose a mutual relinquishment of indemnities, the French republic will agree to the same; and, in such case, the former treaties shall not be deemed obligatory, except that under the seventeenth and twenty second articles of that of commerce the parties shall continue for ever to have for their public ships of war, privateers, and prizes, such privileges in the ports of each other as the most favored nation shall enjoy."

An interview took place a few days after, between the American envoys and the French ministers, in which the latter avowed that it was their object to avoid, in every possible way, any engagement to pay indemnities; and in which the American envoys were brought to the conclusion that any further attempt to obtain a settlement of difficulties was vain, unless the stipulation for indemnities was abandoned. They accordingly offered, the next day, the following proposals to the French ministers:

"The discussion of former treaties and of indemnities being for the present closed, it must of course be postponed till it can be resumed with fewer embarrassments. It remains only to consider the expediency of a temporary arrangement. Should such an arrangement comport with the views of France, the following principles are offered as the basis of it:

"1. The ministers plenipotentiary of the respective parties not being able to agree respecting the former treaties and indemnities, the parties will, in due and convenient time, further treat on those subjects; and until they shall have agreed respecting the same, the said treaties shall have no operation. In the mean time,

"2. The parties shall abstain from all unfriendly acts; their commercial intercourse shall be free, and debts shall be recoverable in the same manner as if no misunderstanding had intervened.

"3. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, shall be mutually restored. Proofs of ownership to be specified by the convention.

"4. Some provisional regulations shall be made to prevent abuses and disputes that may arise out of future cases of capture."

After some days' consideration and conference, the French envoys returned the following proposal:

"The French and American ministers having admitted, at the close of repeated discussions, that they could not then agree upon the interpretation of the eleventh article of the treaty of alliance, and of the seventeenth and twenty-second of the treaty of commerce of 1778, or upon the reciprocal indemnities that may arise out of the capture of prizes from individuals of both nations, have agreed upon what follows:

"1. The parties put off to another time the discussion of indemnities, and of the above three articles of the treaties of 1778, which treaties are, moreover, acknowledged and confirmed by these presents, as well as the consular convention of 1788.

"2. The ships of the two nations, and their privateers, accompanied by their prizes, shall be treated in the respective ports as those of the most favored nation.

"3. National ships shall be restored or paid for.

"4. The property of individuals, not yet tried, shall be so, according to the treaty of amity and commerce of 1778; in consequence of which, a *role d'equipage* shall not be exacted, nor any other proof which this treaty could not exact."

On the basis of these two proposals the negotiation recommenced, and was continued *de die in diem* till the treaty was signed.

The great point of embarrassment and difficulty was disposed of in the second article, in the following terms:

"Art. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of the 6th of February, 1778, the treaty of amity and commerce of the same date, and the convention of the 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows."

The convention thus negotiated was, on the 16th of December, 1800, laid before the Senate of the United States, and on the 3d of February, 1801, the consent of that body was given to its ratification, with the exception of the second article, and the addition of another, limiting the duration of the convention to eight years. With these modifications, it was ratified by the President.

Mr. Murray was employed on the part of the United States to exchange the ratification of the treaty. The French ministers immediately inquired what were the "motives of reciprocal interest" which led to the suppression of the second article. Mr. Murray frankly informed the French ministers that he had no instructions on the subject, but that he presumed the object of suppressing the second article to be to remove from the convention every thing connected with an unsatisfactory and unpromising discussion. On this explanation a correspondence arose between Mr. Murray and the French ministers, which ended in the refusal of the latter to ratify the treaty with the omission of the second article, unless it should be expressly stated that this omission was intended as a mutual renunciation of the treaties and indemnities. To this Mr. Murray was finally obliged to accede, and the proviso was introduced in the following terms: "*Provided*, That, by this retrenchment, the two States renounce the respective pretensions which are the object of the said article."

The convention was returned from France with this addition; was again referred to the Senate of the United States, and by them the addition was sanctioned by a resolution that "they consider the said convention as fully ratified."

Such is the history of this convention; and it is confidently maintained that it proves, at every step and stage, that the Government made use of the private property of the citizen to purchase a great public object, viz: the release of the country from the obligation of treaties which had become most onerous and oppressive; and no reason, it is believed, can be assigned why the Government should take private property in this way, without compensation, rather than any other.

But it is said, granting that the Government renounced the claims, they renounced that which was of no value; and a sentiment of that kind is quoted from a letter of Mr. Murray, written after the ratification of the convention. Mr. Murray may have strained a phrase in order to put the best face on the bargain which he had just concluded; or he might really have thought the claims of no value. But the Government of the United States did not think so. They offered a large pecuniary compensation (one which, at simple interest from the time the offer was made, would more than amount to the sum provided by this bill) to be released from the obligation of the treaties. Chancellor Livingston did not think the claims worthless; for, in a letter of the 13th January, 1802, he speaks of the renunciation "as the sacrifice of an immense claim." Napoleon Bonaparte did not think the claims worthless when he stated to General Gourgaud, at St. Helena, "that the suppression of the second article of the convention of 1800 at once put an end to the privileges which France had possessed by the treaty of 1778, and annulled the just claims which America might have made for injuries done in time of peace."

Besides, when it is said the claim is worthless, if it mean any thing which is correct, it can mean only that it might be so considered at that time. But it was made worthless (if at all) by being offset for the public claims of France. Had it been left alone, it would have stood on as good a footing as the less meritorious claim for debts which were provided for by the very convention under which this claim was renounced.

Again: though worthless in 1800, it might have been worth its nominal amount at a subsequent period, and under a change of Government. To say that a just claim on a country as abundant in resources as France is worthless, is merely to say that we will not prosecute the claim. The value of a claim, where the debtor country is able to pay it, depends mainly on the Government under which the claimant lives. If the Government abandons it, it may be worth nothing; if the Government steadily pursues it, it will probably be paid.

What man of discernment would have said in 1800 that the claim for an American ship, condemned for want of a *role d'equipage* in 1797 was worthless, but a claim for detention in the embargo at Bordeaux in 1794 was good? And yet, in 1803, the embargo cases were paid, principal and interest, under the Louisiana convention, and the *role d'equipage* cases are not yet paid.

Again: who would have said that claims on Spain for illegal captures were any better in 1800 than claims on France? They too, doubtless, would have been pronounced worthless, on the same grounds on which that character is given to the claims on France. But, after long and patient waiting, indemnity was obtained of Spain. Nor is there the least doubt, if the question of the spoliation claims on France had been disconnected with the demand for the restoration of the treaties, their payment, like that of the debts, would have been provided for in the purchase of Louisiana, as the claims on Spain were provided for in the purchase of Florida.

But it is said that these claims were extinguished by war. To this it may be replied that war did not exist. War was not declared by either Power. The hostile measures and armaments authorized by the United States were for the protection of our trade against the armed vessels of the enemy. Not even reprisals by our national ships were ordered. It is not denied that an expression was used by our ministers, in which the word "war" appears; but the use of the word does not create the thing. When the ministers wish to describe, in the strongest terms, the derangement of the relations of the two countries, they apply to it, but not without qualifying epithets, the name *war*. But M. Talleyrand, in writing to the French chargé at the Hague the letters which produced the second mission to France, speaks of the measures of the American Government as "*almost* hostile."

In the progress of the negotiation, it was maintained, on the part of France, in the strongest terms, that war did not exist; witness the following passage from the despatch of the French envoys of 11th of August, 1800: "In the first place, they will insist upon the principle already laid down in the former note, viz: that the treaties which united France and the United States are not broken; that even war could not have broken them, but that the *state of misunderstanding* which has existed for some time between France and the United States, by the act of some agents, rather than by the will of the respective Governments, *has not been a state of war*, at least on the side of France." The misunderstanding was terminated not by a treaty of peace, but by a convention for terminating certain differences.

How can it be urged that war existed, and that the claims were extinguished by it, when negotiations were all the time in progress, recognising, on both sides, the existence and validity of the claims, and a convention finally concluded, in which they are so far from being merged, that provision is made for their future discussion.

There is no such broad principle of public law as that war extinguishes all pre-existing claims on the Government against which the war is waged. This depends on the character and success of the war, and the terms of the peace. War is frequently resorted to in order to enforce the claim. If the war is successful, the claim, instead of being destroyed by it, is paid. The great European war against France terminated by the payment of claims to the amount of 700,000,000 francs. If a country goes to war for claims, and makes a treaty of peace in which they are not provided for, the claim is considered as lost. If the United States went to war in 1798, which is not admitted, it was not to enforce the payment of claims; the hostile measures authorized were to repel violence, and to prevent further outrage; this effect was obtained. France listened to reason, and invited a reopening of the negotiation. This was done, and not a syllable was said on either side about the claims having been extinguished by the hostile demonstrations made by the Government; on the contrary, they were recognised.

The only principle on which war is ever an extinguisher of claims is this: that the claimant is supposed to have an opportunity, by seizing the property of the enemy, to indemnify himself. The Government authorizes him to capture the property of the enemy wherever he can find it on the high seas, and extends to him the protection of the navy of the country, in pursuing the work of his private indemnification. This is, unquestionably, a capricious and uncertain remedy; one against which plausible arguments may be brought on the score of civilization, humanity, and sound public policy. Still, however, it is, in the present state of the world, the only remedy left when claims, admitted to be just, can, in no other way, be enforced, and the refusal of justice is accompanied with public affront and insult. In the war that ensues in such a case, the claimant has an opportunity, such as it is, to redress his losses. But, in 1798, no reprisals were authorized, no war on private property permitted, and, consequently, the only principle on which war is an extinguisher of claims fails to apply.

But no war existed; public and private armed vessels of the country were authorized to protect the trade of our citizens against the armed cruisers of the enemy, and preparations were made for a display of military force, should war break out between the United States and any other country.

With these views of the subject, it might, as it has hitherto been discussed, be dismissed; but an objection, of a character entirely novel, has been seriously taken against the bill from the Senate, and which is believed to rest altogether on a confusion of facts wholly distinct. The objection is this: that these claims of American citizens, which were renounced by the convention of 1800, were, three years after, provided for and paid by the Louisiana convention.

It would seem an extraordinary supposition that the claims, which France strenuously refused to pay in 1800, unless the United States would restore the treaties of 1778—claims, whose renunciation by the United States was not left by the First Consul to be implied, but was distinctly asserted by him, in a note appended to the convention, to be the condition of his ratification—should, in three years' time, have been taken up by him, and provided for to the amount of twenty millions of francs.

Still more extraordinary would it be, on this supposed state of things, that the fact should have remained undiscovered to the present day by all interested in the claims, alike those opposed and friendly to the allowance; that it should have escaped the observation of all the committees of Congress who have reported in either House on the subject; of the commissioners of two boards for carrying into effect conventions of indemnity; of the Secretaries of State, from Mr. Madison to Mr. Van Buren; and, it is believed, of every individual who has made an argument on the subject before the present time.

It may, also, be observed that this suggestion, that these claims were recognised and provided for by France in the Louisiana convention of 1803, is in contradiction with all the other grounds taken against them: as that they were destroyed by a state of war, and were perfectly worthless, because France never meant to pay them. One individual may think that the bill ought not to become a law, because, in his opinion, the claims were extinguished by war, and, if they had not been so extinguished, as France never would have paid them, that they were practically worthless; while another individual might hold that, in his view of the case, the bill ought not to become a law, because the claims for which it provides were satisfied under the Louisiana convention. But these two views of the subject, it would seem, are utterly contradictory to each other; and, if the claims were merged in war, or worth nothing, because France would have paid nothing, it is difficult to maintain the proposition that they were, nevertheless, in being, recognised, and paid under the Louisiana treaty. It should not need much effort to prove that both views cannot be correct. But, in reality, the claims for indemnity, which form the subject of the second article of the convention of 1800, which are connected in that article with the demand of France for a renewal of the treaties, and, with that demand, were renounced in the ratification of the convention, are totally distinct from the claims for debt, recognised in the 5th article of the convention of 1800, and provided for by the Louisiana convention. This will now be demonstrated.

The convention of September, 1800, disposes of *three* classes of cases. The *first* class, viz: captures, seizures, and confiscations, contrary to the law of nations and treaties, is disposed of in the second article, in connexion with the claims of France for the renewal of the treaties. These being what are commonly called the spoliation cases, were, in the ratification of that article, renounced. It is these for which the present bill provides.

The second class is disposed of in the fourth article of the convention of 1800. It is that of "property captured and not yet definitively condemned, or which may be captured before the exchange of ratifications." This class of cases was ordered to be restored on both sides, and the mode in which ownership should be proved was established by the fourth article of the treaty of 1800. The said fourth article also directs that if any property should be condemned after the signature of the treaty, and contrary to its intent, the property so condemned shall be restored or paid for. The stipulations of this article were fulfilled in a very unsatisfactory and imperfect manner, and a considerable amount of the claims under it still exists, and is recognised by the board of commissioners under the convention of 4th July, 1831, as chargeable on that convention. (See Mr. Van Buren's instructions to Mr. Rives, 1st sess. 23d Cong. Ho. doc. No. 147, p. 19.) These claims are not included in the present bill, not being of the class renounced by the second article.

The third class of cases disposed of by the convention of 1800 was that of debts. These were provided for by the fifth article of that convention in the following terms: "The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two countries." To prevent the possibility of extending this by misconstruction to spoliation cases, it is added in the fifth article, "but this clause shall not extend to indemnities claimed on account of captures or confiscations [in the French, *condamnations*."]

A board of accountability was created by the French Government to receive and liquidate these debts. Their labors proceeded slowly; vexatious delays were interposed in every stage of the business, and continual remonstrances were made by Chancellor Livingston (then minister to France) to the French Government. Circumstances at length put it in the power of the two Governments to make provision for their payment, on occasion of the purchase of Louisiana. This purchase was effected by one treaty and two conventions, all bearing date 30th April, 1803.

The treaty was a treaty of cession. One of the conventions regulated the terms of the purchase, and the other convention provided for the payment of the debts due by France to the citizens of the United States. This convention (which is the one drawn in question) is recognised in the ninth article of the treaty of the same date as "a convention having for its object to provide for the payment of debts due to the citizens of the United States prior to the 30th of September, 1800."

The preamble of this convention sets forth that "the President of the United States and the First Consul being desirous, in compliance with the second and fifth articles of the convention of 30th September, 1800, to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated" their plenipotentiaries to conclude a convention for that purpose.

From this conjunction of the second and fifth articles, some color has been sought to be given to the idea that the Louisiana convention was intended to provide for the payment of the claims alluded to in the second article of the convention of 1800. But such payment, (could we conceive that it was stipulated,) instead of being in compliance with that article, would be in direct contradiction to it; for it provided, not for the payment, but the non-payment of the claims. And the allusion to the second article of the convention of 1800, in the Louisiana convention, is evidently for the express purpose of carrying into the Louisiana convention the same exclusion of the spoliation cases which is prescribed by the second and fifth articles of the convention of 1800. The payments made under the Louisiana convention are to be "in compliance with the second and fifth articles of the convention of 1800." By the second, the payment of the spoliation cases was waived and eventually renounced; by the fifth, it was expressly provided that, from the debts to be paid, captures and condemnations were excluded. And the Louisiana convention was negotiated in compliance with these two articles, inasmuch as, in providing payment for the debts, it still excluded the captures and confiscations; such payment and such exclusion being in compliance with the second and fifth articles of the convention of 1800.

This idea is, perhaps, not more conclusively, but it is rather more clearly, seen in the French text of the treaty, where the phrase is "*en exécution*" of the second and fifth articles of the convention of 1800. The only way in which the Louisiana convention can be made to be in execution of the second and fifth articles is, by fulfilling the dispositions of those articles; that is, by still excluding one class of claims and providing for the payment of the other.

If any doubt could attach to this construction as an interpretation of the reference to the second article, taken singly, (which is not admitted,) it will disappear on the reflection that the fifth article of the convention of 1800 is both inclusive and exclusive. It includes the debts, which are to be paid, and it excludes the captures and confiscations, which are not to be paid; and it is in compliance with, or in execution of, the second and fifth articles that the convention of 1803 is negotiated.

On proceeding to examine the articles of that convention, we shall find that it is debts alone which are provided for. The first article is in the following words: "The debts due by France to the citizens of the United States, contracted before the 30th of September, shall be paid according to the following regulations."

The second article is in the following terms: "The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note, which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision."

The conjectural note was a list of cases supposed to fall within the provisions of the fifth article of the convention of 1800. As the second article of the Louisiana convention of 1803 provided that cases borne on the conjectural note should not be paid if they fell within the exceptions of the treaty, so, on the other hand, the commissioners for executing the treaty decided in favor of cases which fell within the provisions of the convention, although not borne on the conjectural note. The event in fact proved that this document was very imperfect and entitled to little consideration. The American board, consisting of Messrs. Mercer, Barnet, and McClure, admitted one hundred and forty-nine cases which were borne on the conjectural note. Not one was a spoliation case. The board decided that none such were provided for. They admitted two hundred and seven cases not on the conjectural note. Of these two hundred and seven cases, one single case only (the Barbara) purports to be "a vessel captured." Of this case nothing is known to the writer, but that it was admitted as a supposed case of debt against the French Government, arising out of capture. But if it were one of the spoliation cases renounced by the second article of the convention of 1800, as it would in that event be the solitary case of that description paid under the Louisiana convention, it would be a striking illustration of the maxim that "the exception proves the rule." Sixty-eight cases borne upon the conjectural list were rejected, and thirty-six not borne on the list were rejected. Of the last class, several were captures; and of the last but one, a part were probably so. Here is a mass of evidence, both positive and negative, that no spoliation cases were provided for. In several reports of the commissioners, and in their letters to Mr. Livingston, the principle is stated in the clearest terms, that no captures were admissible but those of which the council of prizes had ordered restitution.

But we are not left with these proofs, irresistible as they are. The fourth and fifth articles of the convention of 1803 still more specifically define the debts provided for. The fourth is in the following words:

"It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States who have been, and are yet, creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 30th September, 1800." In this article there is some obscurity, arising from the fact that there is no time named in that convention within which an appeal was to be lodged. Owing to this defect in the phraseology of the article, nothing can be certainly gathered from it but this: that the captures, provided for as debts, were such as were the subject of appeal to the council of prizes. But the fifth article supplies this defect, and, if words can do it, puts the matter in contest beyond doubt. It is in the following terms:

"The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution; it being well understood that the claimant cannot have recourse to the Government of the United States, otherwise than he might have had to the Government of the French republic, and only in case of the insufficiency of captors." The extent of the class of captures provided for is here accurately defined. It was those only of which the council of prizes had ordered restitution—tortious captures, not warranted by the laws of France. And these captures were included among debts, because the decree of the council of prizes ordering restitution instantly created, on the part of the owner, a demand on the captor for the property, or payment of its value; and, where the captor was insolvent, the Government assumed the debt. This is the only class of captures provided for by the Louisiana convention.

The residue of the fifth article of the Louisiana convention stipulates for "the debts mentioned in the fifth article of the convention of 1800;" and again provides "that the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed."

When this chain of facts is candidly weighed, it does not seem possible to entertain the opinion that spoliation cases, which are expressly excluded in every stage of the business, and not one of which, as is proved by the lists of the board, was, in point of fact, admitted, were, nevertheless, included in the provisions of the treaty.

All that is quoted from the correspondence of the American board, of the American minister, or the Secretary of State, relative to enlarging the provisions, or the application of the provisions of the convention of 1803, refers to extending it beyond the cases borne on the conjectural note—to a liberal or a strict construction of the fifth article—and to the introduction of the cases included in the fourth article of the convention of 1800, but not provided for by the Louisiana convention, and now by the late Secretary of State, (Mr. Van Buren,) and the board actually sitting, deemed chargeable on the convention of 4th July, 1831. In protesting against one of the points on which the Government of France was disposed to narrow down the provisions of the fifth article, Mr. Livingston uses the following language in writing to the Minister of Foreign Affairs. It will explain the sort of indemnities alluded to in this correspondence as provided for by the Louisiana treaty, while it puts beyond doubt the fallacy of the notion that any of the renounced claims are provided for by that instrument. "I am sorry, sir, that we should still continue to think differently on the subject of the indemnities. The fifth article appears to go much further than your construction is willing to admit. It expressly stipulates that all debts due by either Government to the individuals of the other shall be paid. But as this would also have included the indemnities for captures and condemnations previously made; and it was the intention of the contracting parties, by the second article, to preclude this payment as depending on a future negotiation, it was necessary to except from this promise of payment all that made the subject of the second article. The exception, therefore, must be considered as a complete explanation of the extent of the word 'indemnities' in that article; and the whole of the fifth article, taken together, amounts to an express stipulation to pay every debt due to individuals, except such as they might claim for indemnities for captures and condemnations, and must have been so construed had the second article remained in the treaty. On its being erased, the fifth article stands alone as a promise to pay, with the single exception of indemnities for captures and condemnations. It will, sir, be well recollected by the distinguished characters who had the management of the negotiation, that the payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1778 on the other; that they were considered as of equivalent value, and that they only formed the subject of the second article; and that as to the payment of indemnities for embargoes, in consequence of the cargoes being put in requisition, or with a view to any other political measure which carried with it nothing hostile to the United States, no controversy ever arose between the plenipotentiaries of the two nations."

In a word, it was never supposed by the claimants, by the board, or by the American Government, that the spoliation cases were provided for, nor were any of them paid for under the Louisiana convention. To avoid the possibility that any claims that were included in the Louisiana convention should be again provided for in the present bill, there is an express clause in the first section, "that the provisions of this act shall not extend to such claims as are stipulated for and embraced in the convention concluded at Paris on the 30th day of April, 1803, for the liquidation and payment whereof provision is made in the said convention."

Since the foregoing remarks were submitted on the proposition that the claims renounced by the second article of the convention of 1800 were provided for by the Louisiana convention of 1803, it is understood that this idea is abandoned; but that some analogous ground is assumed, intended to show that, in some way or other, the claims for spoliations renounced by the second article of the convention of 1800 were compromised by the provisions of that of 1803. What precise form this statement is now presented in is unknown. All that can be said, therefore, in reply, is, that, in whatever form it is presented, it is radically and entirely unfounded. In the ratification of the convention of 1800 it is admitted, on all sides, that the spoliation claims were renounced. In providing for the debts to be paid, under the fifth article of that convention, "captures and confiscations" are expressly excluded." In the provision made by the Louisiana convention for the payment of these debts, the same exclusion is continued in terms. If on "the conjectural note" any of the renounced claims were found, (which is not admitted,) there was, in the very article in which the conjectural note is recognised, an express exception of all captures, except those of which restitution was ordered by the council of prizes, and they only admitted on the insufficiency of the captors. These statements will not be controverted; and they establish, beyond the possibility of doubt, the proposition that no provision of any kind was, in the stipulations of the Louisiana convention, made, or intended to be made, for the claims renounced under the second article of the convention of 1800.

Such are some of the leading points of the case in favor of making provision for the satisfaction of the claimants. It was the opinion of one of the ablest jurists and best patriots which the country ever produced, (Chief Justice Marshall,) that these claims are just. "If," said he, "the envoys [of which he was one] renounced them, or did not, by an article in the treaty, save them, the United States would thereby become liable for them to her citizens."

From the beginning to the end of the negotiations, France admitted the general justice of the claims, and professed her readiness to make indemnity to our citizens.

This the American Government declined to accept, because the French coupled with it the demand for the restoration of the treaties, "thinking it hard," in the language of our envoys, "to indemnify for violating engagements, unless they can thereby be restored to the benefit of them."

Our Government attempted to buy off the obligation of these treaties by repeated offers of large sums of money. It was unquestionably a political object of the highest importance to be relieved from them.

This object was effected solely by the renunciation of the claims. If this does not appear by the sketch already given of the history of that renunciation, it can yet be put beyond question.

When that renunciation was made, in the final exchange of the ratifications, Napoleon Bonaparte was at the head of the Government of France, and James Madison was Secretary of State of the United States. Bonaparte, while at St. Helena, remarked of this renunciation, that "the suppression of the second article of the convention put an end to the privileges which France possessed by the treaties of 1778, and annulled the just claims which America might have made for injuries done in time of peace."

Spain having, in 1804, sought to evade the obligation of certain claims for spoliations in her ports, on the ground that these were French acts, for which the United States had renounced the claim to indemnity, Mr. Madison, writing to Mr. Pinckney, our minister at Madrid, says: "The claims, again, from which France was released, were admitted by France, and the release was for a valuable consideration, in a correspondent release of the United States from certain claims on them."

On the subject of the amount of appropriation provided by the bill, the following statement[*] is deemed fair and satisfactory. "So far as can be learned from official reports, there are something more than six hundred vessels, with their cargoes, which will be supposed to form claims under this bill. Some of them, it is probable, may not be good claims; but a very great majority of that number will, no doubt, be just and fair cases." Those which are of a different character may, perhaps, be fairly offset by valid cases not yet reported to the Department of State. "The question then is, what may be regarded as a just average value of each vessel and cargo? This question is answered in a manner as satisfactory as the nature of the case allows, by ascertaining the average value of vessels and cargoes for which compensation has been awarded under the treaty with Spain. That average was $16,800 for each vessel and cargo. Taking the cases coming under this bill to be of the same average value, the whole amount of loss would exceed ten millions of dollars, without interest.

"On this estimate it seems not unreasonable to allow the sum of five millions in full satisfaction for all claims. There is no ground to suppose that the claimants will receive out of this sum a greater rate of indemnity than claimants have received who had claims on Spain, or than other claimants against France (whose claims have not been relinquished, because arising since 1800) will receive under the provisions of the late French treaty."

[Documents to accompany the foregoing Report.]

Extract from the treaty of alliance with France, of 1778.

ARTICLE XI.

The two parties guaranty mutually, from the present time, and for ever, against all other Powers, to wit: The United States to his Most Christian Majesty the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace: and his Most Christian Majesty guaranties, on his part, to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce; and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain in North America, conformable to the fifth and sixth articles above written; the whole as their possession shall be fixed and assured to the States, at the moment of the cessation of the present war with England.

ARTICLE XII.

In order to fix more precisely the sense and application of the preceding article, the contracting parties declare that, in case of a rupture between France and England, the reciprocal guarantee, declared in the said article, shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

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[*] From Mr. Webster's speech upon the bill in the Senate.

Extract from the treaty of amity and commerce with France, of 1778.

ARTICLE XVII.

It shall be lawful for the ships of war of either party, and privateers, freely to carry, whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty, or any other judges; nor shall such prizes be arrested or seized when they come to, or enter, the ports of either party; nor shall the searchers, or other officers of those places, search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time, and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

ARTICLE XXII.

It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor citizens of the said United States, who have commissions from any other Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

Instructions to Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary from the United States of America to the French Republic, dated

July 15, 1797.

Gentlemen: It is known to you that the people of the United States of America entertained a warm and sincere affection for the people of France, ever since their arms were united in the war with Great Britain, which ended in the full and formal acknowledgment of the independence of these States; it is known to you that this affection was ardent, when the French determined to reform their Government, and establish it on the basis of liberty—that liberty in which the people of the United States were born, and which, in the conclusion of the war above mentioned, was finally and firmly secured; it is known to you that this affection rose to enthusiasm, when the war was kindled between France and the Powers of Europe, which were combined against her for the avowed purpose of restoring the monarchy, and every where vows were heard for the success of the French arms. Yet, during this period, France expressed no wish that the United States should depart from their neutrality; and while no duty required us to enter into the war, and our best interests urged us to remain at peace, the Government determined to take a neutral station, which, being taken, the duties of an impartial neutrality became indispensably binding. Hence the Government early proclaimed to our citizens the nature of those duties, and the consequences of their violation.

The minister of France, Mr. Genet, who arrived about this time, by his public declarations confirmed the idea that France did not desire us to quit the ground we had taken; his measures, however, were calculated to destroy our neutrality, and to draw us into the war.

The principles of the proclamation of neutrality founded on the law of nations, which is the law of the land, were afterwards recognised by the national Legislature, and the observance of them enforced by specific penalties, in the act of Congress passed the 5th of June, 1794. By these principles and laws, the acts of the Executive and the decisions of the courts of the United States were regulated.

A Government thus fair and upright in its principles, and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure; but the United States have not been so fortunate. The acts of their Government, in its various branches, though pure in principle, and impartial in operation, and conformable to their indispensable rights of sovereignty, have been assigned as the cause of the offensive and injurious measures of the French republic. For proofs of the former, all the acts of the Government may be vouched; while the aspersions so freely uttered by the French ministers, the refusal to hear the minister of the United States specially charged to enter on amicable discussions on all the topics of complaint, the decrees of the Executive Directory and of their agents, the depredations on our commerce, and the violences against the persons of our citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the Government of the French republic, and for all these wrongs you will seek redress.

In respect to the depredations on our commerce, the principal objects will be, to agree on an equitable mode of examining and deciding the claims of our citizens, and the manner and periods of making them compensation. As to the first, the 7th article of the British and the 21st of the Spanish treaty present approved precedents to be adopted with France. The proposed mode of adjusting those claims, by commissioners appointed on each side, is so perfectly fair, we cannot imagine that it will be refused. But when the claims are adjusted, if payment in specie cannot be obtained, it may be found necessary to agree, in behalf of our citizens, that they shall accept public securities, payable with interest, at such periods as the state of the French finances shall render practicable. These periods you will endeavor, as far as possible, to shorten.

Not only the recent depredations, under color of the decrees of the Directory of the 2d July, 1796, and the 2d of March, 1797, or under the decrees of their agent, or the illegal sentences of their tribunals, but all prior ones, not already satisfactorily adjusted, should be put in this equitable train of settlement. To cancel many or all of the last-mentioned claims might be the effect of the decree of the Executive Directory of the 2d of March last, reviving the decree of the 9th of May, 1793; but this, being an *ex post facto* regulation, as well as a violation of the treaty between the United States and France, cannot be obligatory on the former. Indeed, the greater part, probably nearly all the captures and confiscations in question, have been committed in direct violation of the treaty or of the law of nations. But the injuries arising from the capture of enemies' property in vessels of the United States may not be very extensive; and if, for such captured property, the French Government will, agreeably to the law of nations, pay the freight and reasonable demurrage, we shall not, on this account, any further contend. But, of ship timber and naval stores taken and confiscated by the French, they ought to pay the full value, because our citizens continued their traffic in those articles under the faith of the treaty with France.

On these two points we ought to expect that the French Government will not refuse to do us justice: and the more, because it has not, at any period of the war, expressed its desire that the commercial treaty should in these respects be altered.

Besides the claims of our citizens for depredations on their property, there are many arising from express contracts made with the French Government or its agents, or founded on the seizure of their property in French ports. Other claims have arisen from the long detention of a multitude of our vessels in the ports of France. The wrong hereby done to our citizens was acknowledged by the French Government, and in some, perhaps in most of the cases, small payments towards indemnifications have been made: the residue still remains to be claimed.

All these just demands of our citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French finances. But an exception must be made in respect to debts due to our citizens by the contracts of the French Government and its agents, if they are comprehended in any stipulation; and option reserved to them, jointly or individually, either to accept the means of payment which you shall stipulate, or to resort to the French Government, directly, for the fulfilment of its contracts.

Although the reparations for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, nor to stipulate that they be assumed by the United States as a loan to the French Government.

In respect to the alterations of the commercial treaty with France, in the two cases which have been principal subjects of complaint on her part, viz: enemies' property in neutral ships, and the articles contraband of war, although France can have no right to claim the annulling of stipulations at the moment when by both parties they were originally intended to operate, yet, if the French Government press for alterations, the President has no difficulty in substituting the principles of the law of nations, as stated in the 17th and 18th articles of our commercial treaty with Great Britain, to those of the 23d and 24th articles of our commercial treaty with France; and, in respect to provisions, and other articles not usually deemed contraband, you are to agree only on a temporary compromise, like that in the 18th article of the British treaty, and of the same duration. If, however, in order to satisfy France, now she is at war, we change the two important articles before mentioned, then the 14th article of the French treaty, which subjects the property of the neutral nation found on board enemies' ships to capture and condemnation, must, of course, be abolished.

We have witnessed so many erroneous constructions of the treaty with France, even in its plainest parts, it will be necessary to examine every article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations. The kind of documents necessary for the protection of the neutral vessels should be enumerated and minutely described; the case in which a sea-letter should be required may be specified; the want of a sea-letter should not of itself be a cause of confiscation, where other reasonable proof of property is produced; and, where such proof is furnished, the want of a sea-letter should go no further than to save the captor from damages for detaining and bringing in the neutral vessel. The proportion of the vessel's crew which may be foreigners should be agreed on. Perhaps it will be expedient to introduce divers other regulations conformably to the marine laws of France. Whenever these are to operate on the commerce of the United States, our safety requires that, as far as possible, they be fixed by treaty. And it will be desirable to stipulate against any *ex post facto law* or regulation, under any pretence whatever.

Great Britain has often claimed a right, and practised upon it, to prohibit neutral nations carrying on a commerce with her enemies, which has not been allowed in time of peace. On this head it will be desirable to come to an explicit understanding with France, and, if possible, to obviate the claim by an express stipulation.

Such extensive depredations have been committed on the commerce of neutrals, and especially of the United States, by the citizens of France, under pretence that her enemies (particularly Great Britain) have done the same things, it will be desirable to have it explicitly stipulated that the conduct of an enemy towards a neutral Power shall not authorize or excuse the other belligerant Power in any departure from the law of nations or the stipulations of the treaty; especially, that the vessels of the neutral nation shall never be captured or detained, or their property confiscated or injured, because bound to or from an enemy's port, except the case of a blockaded port, the entering into which may be prevented according to the known rule of the law of nations. And it may be expedient to define a blockaded place or port to be one actually invested by land or naval forces, or both; and that no declaration of a blockade shall have any effect without such actual investment. And no commercial right whatever should be abandoned which is secured to neutral Powers by the European law of nations.

The foregoing articles being those which the French Government has made the ostensible grounds of its principal complaints, they have naturally been first brought into view. But the proposed alterations and arrangements suggest the propriety of revising all our treaties with France. In such revision, the first object that will attract your attention is the reciprocal guarantee in the eleventh article of the treaty of alliance. This guarantee we are perfectly willing to renounce. The guarantee, by France, of the liberty, sovereignty, and independence of the United States, will add nothing to our security; while, on the contrary, our guarantee of the possessions of France in America will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith.

When Mr. Genet was sent as the minister of the French republic to the United States, its situation was embarrassed, and the success of its measures problematical. In such circumstances it was natural that France should turn her eye to the mutual guarantee; and accordingly it was required, in Mr. Genet's instructions, to be "an essential clause in the new treaty" which he was to propose, and on the ground "that it nearly concerned the peace and prosperity of the French nation, that a people whose resources increase beyond all calculation, and whom nature had placed so near their rich colonies, should become interested, by their own engagements, in the preservation of those islands." But, at this time, France, powerful by her victories, and secure in her triumphs, may less regard the reciprocal guarantee with the United States, and be willing to relinquish it.

As a substitute for the reciprocal guarantee, may be proposed a mutual renunciation of the same territories and possessions that were subjects of the guarantee and renunciation in the sixth and eleventh articles of the treaty of alliance. Such a renunciation on our part would obviate the reason assigned in the instruction to

Mr. Genet before cited, of future danger from the rapidly growing power of the United States. But if France insists on the mutual guarantee, it will be necessary to aim at some modification of it. The existing engagement is of that kind which, by writers on the law of nations, is called a general guarantee: of course, the *casus fœderis* can never occur except in a defensive war. The nature of this obligation is understood to be, that, when a war really and truly defensive exists, the engaging nation is bound to furnish an effectual and adequate defence, in co-operation with the Power attacked: whence it follows that the nation may be required, in some circumstances, to bring forward its whole force.

The nature and extent of the succors demandable not being ascertained, engagements of this kind are dangerous on account of their uncertainty; there is always hazard of doing too much or too little, and, of course, of being involved in involuntary rupture.

Specific succors have the advantage of certainty, and are less liable to occasion war. On the other hand, a general guarantee allows a latitude for the exercise of judgment and discretion.

On the part of the United States, instead of troops or ships of war, it will be convenient to stipulate for a moderate sum of money or quantity of provisions, at the option of France: the provisions to be delivered at our own ports, in any future defensive wars. The sum of money, or its value in provisions, ought not to exceed two hundred thousand dollars a year, during any such wars. The reciprocal stipulation on the part of France may be to furnish annually the like sum of money, or an equivalent in military stores and clothing for troops, at the option of the United States, to be delivered in the ports of France.

Particular caution, however, must be used, in discussing this subject, not to admit any claims, on the ground of the guarantee, in relation to the existing war, as we do not allow that the *casus fœderis* applies to it. And if the war should continue after your arrival in France, and the question of the guarantee should not be mentioned on her part, you may yourselves be silent on the subject, if you deem it most prudent. It will be proper here to notice such articles of the treaty of amity and commerce between the United States and France as have been differently construed by the two Governments, or which it may be expedient to amend or explain.

Art. 2d. The assent of the United States, in their treaty with Great Britain, to the doctrine of the law of nations respecting enemies' property in neutral ships, and ship timber and naval stores, and in some cases provisions, as contraband of war, the French Government has chosen to consider as a voluntary grant of favors, in respect to commerce and navigation, to Great Britain, and that consequently the same favors have become common to France. This construction is so foreign from our ideas of the meaning and design of this article, it shows the necessity of reviewing all the articles, and, however clear they may appear, of attempting to obviate future misconstructions, by declaratory explanations or a change of terms.

Art. 5th. France has repeatedly contended that the imposition of fifty per cent. per ton on French vessels arriving in the United States is contrary to the fifth article of the treaty. The arguments in support of this pretension are unknown; but it is presumed to be unfounded. The reciprocal right of laying "duties or imposts, of what nature soever," equal to those imposed on the most favored nations, and without any other restrictions, seems to be clearly settled by the third and fourth articles. The fifth article appears to have been intended merely to define or qualify the rights of American vessels in France. It is, however, desirable that the question be understood, and all doubt concerning it removed. But the introduction of a principle of discrimination between the vessels of different foreign nations, and in derogation of the powers of Congress to raise revenue by uniform duties on any objects whatever, cannot be hazarded. The naturalization of French vessels will, of course, be considered as inadmissible.

Art. 8th. The stipulation of doing us good offices to secure peace to the United States with the Barbary Powers has never yet procured us any advantage. If, therefore, the French Government lays any stress on this stipulation, as authorizing a claim for some other engagement from us in favor of France, it may be abandoned; and, especially, if its abrogation can be applied as a set-off against some existing French claim.

Art. 14th. If the alterations already proposed are made in the 23d and 24th articles, then the 14th article, as before observed, must be abolished.

Art. 17th. The construction put on this article by the Government of the United States is conceived to be reasonable and just, and is, therefore, to be insisted on. The tribunals of the respective countries will consequently be justified in taking cognizance of all captures made within their respective jurisdictions, or by illegal privateers; and those of one country will be deemed illegal which are fitted out in the country of the other remaining neutral; seeing to permit such arming would violate the neutral duties of the latter.

It will be expedient to fix explicitly the reception to be given to public ships of war of all nations. The French ministers have demanded that the public ships of the enemies of France, which at any time, and in any part of the world, had made prize of a French vessel, should be excluded from the ports of the United States, although they brought in no prize with them. In opposition to this demand, we have contended that they were to be excluded only when they came in with French prizes. And the kind of asylum to be afforded in all other circumstances is described in Mr. Jefferson's letter to Mr. Hammond, dated the 9th of September, 1793, in the following words: "Thus, then, the public ships of war of both nations (English and French) enjoy a perfect equality in our ports: 1st, in cases of urgent necessity; 2d, in cases of comfort or convenience; and, 3d, in the time they choose to continue." And such shelter and accommodation are due to the public ships of all nations, on the principle of hospitality among friendly nations. It will also be expedient explicitly to declare that the right of asylum stipulated for the armed vessels of France and their prizes give no right to make sale of those prizes.

But when prize ships are so disabled as to be incapable of putting to sea again until refitted, and when they are utterly disabled, some provision is necessary relative to their cargoes. Both cases occurred last year. The Government permitted, although with hesitation and caution, the cargoes to be unloaded, one of the vessels to be repaired, and part of the prize goods sold, to pay for the repairs; and the cargo of the vessel that was found unfit ever to go to sea again was allowed to be exported as prize goods, even in neutral bottoms. The doubts on these occasions arose from the 24th article of the British treaty forbidding the sale of the prizes of privateers, or the exchanging of the same in any manner whatever.

But as French prizes were entitled to an asylum in our ports, it was conceived to be a reasonable construction of it to allow of such proceedings as those above-mentioned, to prevent the total loss of vessels and cargoes. The 25th article of the British treaty demands attention, as it is therein stipulated that no future treaty shall be made that shall be inconsistent with that or the 24th article. Another doubt arose whether the British treaty did not, in good faith, require the prohibition of the sale of prizes made by the national ships of France, as well as those made by her privateers, especially seeing our treaty with France gave her no right to sell any prizes whatever; but, upon the whole, it was conceived that the United States having before allowed the sale of such prizes, and the prohibition in the 24th article of the treaty being distinctly pointed against the sale of the prizes of privateers, it was thought proper to permit the former practice to continue until the Executive should pass a prohibitory law.

Art. 22d. If, in new modelling the treaty with France, the total prohibition of the sale of prizes in the ports of the party remaining neutral should not be agreed on, at least the right of each Power to make at its pleasure such prohibition, whether they are prizes of national ships or privateers, should be acknowledged, for the reason more than once suggested, to prevent a repetition of claims upon unfounded constructions; such as, under the present article, that a prohibition to an enemy of either party is a grant to the other of the thing forbidden.

Art. 23d and 24th. These have been already considered, and the alterations proposed have been mentioned.

There have been so many unjust causes and pretences assigned for capturing and confiscating American vessels, it may perhaps be impossible to guard against a repetition of them in any treaty which can be devised. To state the causes and pretences that have been already advanced by the Government of France, its agents, and tribunals, as the grounds of the capture and condemnation of American vessels and cargoes, would doubtless give pain to any man of an ingenuous mind who should be employed on the part of France to negotiate another treaty, or a modification of the treaties which exist.

It is not desired, therefore, to go further into detail on these matters than shall be necessary to guard, by explicit stipulations, against future misconstructions, and the mischiefs they will naturally produce.

Under pretence that certain ports were surrendered to the English by the treachery of the French and Dutch inhabitants, Victor Hugues and Lebas, the special agents of the Executive Directory at Guadaloupe, have declared that all neutral vessels bound to or from such ports shall be good prize.

Under the pretence that the British were taking all neutral vessels bound to or from French ports, the French agents at St. Domingo, (Santhonax and others,) decreed that all American vessels bound to or from English ports should be captured; and they have since declared such captured vessels to be good prize. The French consuls in Spain have, on the same ground, condemned a number of American vessels, merely because they were destined to, or coming from, an English port.

Under the pretence that the sea-letters or passports prescribed by the commercial treaty for the mutual advantage of the merchants and navigators of the two nations, to save their vessels from detention and other vexations, when met with at sea, by presenting so clear a proof of the property, are an indispensable document to be found on board; the French confiscate American vessels destitute of them, even when they acknowledge the property to be American.

Because horses and their military furniture, when destined to an enemy's port, are, by the 24th article of the commercial treaty, declared contraband, and, as such, by themselves, only liable to confiscation, Hugues and Lebas decreed all neutral vessels, having horses or any other contraband goods on board, should be good prize; and they accordingly condemned vessels and cargoes.

The ancient ordinances of the French monarchs required a variety of papers to be on board neutral vessels, the want of any one of which is made a cause of condemnation, although the 25th article of the commercial treaty mentions what certificates shall accompany the merchant vessels and cargoes of each party, and which, by every reasonable construction, ought to give them protection. It will, therefore, be advisable to guard against abuses by descending to particulars; to describe the ship's papers which shall be required, and to declare that the want of any other shall not be a cause for confiscation; to fix the mode of manning vessels as to the officers, and the proportion of the crews who shall be citizens; endeavoring to provide, in respect to American vessels, that more than one-third may be foreigners. This provision will be important to the Southern States, which have but few native seamen.

The marine ordinances of France will show what regulations have been required to be observed by allied as well as neutral Powers in general, to ascertain and secure the property of neutrals. Some of these regulations may be highly proper to be adopted, while others may be inconvenient and burdensome. Your aim will be to render the documents and formalities as few and as simple as will consist with a fair and regular commerce.

Art. 25th and 27th. These two articles should be rendered conformable to each other. The 27th says that, after the exhibition of the passport, the vessel shall be allowed to pass without molestation or search, without giving her chase, or forcing her to quit her intended course. The 25th requires that, besides the passport, vessels shall be furnished with certain certificates, which, of course, must also be exhibited. It will be expedient to add that, if, in the face of such evidence, the armed vessel will carry the other into port, and the papers are found conformable to treaty, the captors shall be condemned in all the charges, damages, and interest thereof, which they shall have caused. A provision of this nature is made in the 11th article of our treaty with the United Netherlands.

Art. 28th. The prohibited goods here mentioned have no relation to contraband, but merely to such as by the laws of the country are forbidden to be exported. Yet, in the case of exporting horses from Virginia, which no law prohibited, in the winter of 1796, this article was applied by the French minister to horses, which, by the French treaty, are contraband of war. And a letter from the minister to Victor Hugues and Lebas, informing them that the American Government refused to prevent such export of horses by the British, is made one ground for their decree above mentioned.

Art. 30th. The vessels of the United States ought to be admitted into the ports of France in the same manner as the vessels of France are admitted into the ports of the United States. But such a stipulation ought not to authorize the admission of vessels of either party into the ports of the other, into which the admission of all foreign vessels shall be forbidden by the laws of France and of the United States, respectively. With this restriction, the principles of the 14th article of the treaty with Great Britain afford a liberal and unexceptionable precedent. A restriction like that here referred to will be found in the first paragraph of the third article of the British treaty.

The commerce to the French colonies in the East and West Indies will doubtless be more or less restricted, according to the usage of other European nations. Yet, on account of the disarranged condition of the French navigation, probably a larger latitude of trade with their colonies will be readily permitted for a term of years; and perhaps the mutual advantages thence resulting will be found so great as to induce afterwards a prolongation of that term, to which the course or habit of business may contribute.

While between the United States and France there shall subsist a perfect reciprocity in respect to commerce, we must endeavor to extend our trade to her colonies to as many articles as possible. Of these, the most important are provisions of all kinds, as beef, pork, flour, butter, cheese, fish, grain, pulse, live stock, and every other article serving for food, which is the produce of the country; horses, mules, timber, planks, and wood of all kinds; cabinet ware, and other manufactures of the United States; and to obtain, in return, all the articles of the produce of those colonies, without exception, at least to the value of the cargoes carried to those colonies.

There have been different constructions of the consular convention. The French have contended for the execution of their consular decisions by the marshal or other officer of the United States; and their Minister of Justice has formally stated, in a report to the Minister of Foreign Affairs, that the judicial sentences of the American consuls in France will be executed by certain officers of justice in that country. The legal opinion of the law officers of the United States, which the Government has adopted, opposes such a construction. The French have also contended that deserters from French vessels ought to be apprehended by the judicial officers of the United States, upon other evidence than the original shipping paper, or *rôle d'equipage;* whereas the district judges have insisted that the consular convention requires the original rôle to be produced.

This claim was lately revived by the consul general of the French republic. The correspondence on this occasion will be joined to the other documents which accompany these instructions.

The United States cannot consent to the erecting of foreign tribunals within their jurisdiction. We consider the judicial authority of consuls, as described in the consular conventions, to be voluntary, not compulsory, in the country where they reside; and that their decisions, if not obeyed by the parties, respectively, must be enforced by the laws of their proper country; and such a provision, you will see, has been made in France, where a penalty of 1,400 livres is imposed on the citizens who refuse obedience to a consular decision in a foreign State.

The consular convention will expire in about four years; and if any great difficulties arise in settling the terms of a new one, that which exists must take its course; but if the French Government should be silent on the subject of the consular convention, silence may be observed on your part.

The ports of the United States being frequented by the vessels of different belligerant Powers, it became necessary to regulate the times of their sailing. The President, therefore, adopted what was understood to be the received rule in Europe; and ordered that, after the sailing of a vessel of one of the belligerant Powers, twenty-four hours should elapse before an armed vessel of the enemy of the former should sail. This rule has not been duly respected by the armed vessels of France and Great Britain.

As the tranquillity of the United States requires that no hostile movements be commenced within their jurisdiction, and the interests of commerce demand an entire freedom to the departure of vessels from their ports, it may be expedient expressly to recognise the abovementioned rule.

It will also be expedient to agree on the extent of territorial jurisdiction on the seacoast; and in what situations bays and sounds may be said to be landlocked, and within the jurisdiction of the sovereign of the adjacent country.

On the supposition that a treaty will be negotiated to alter and amend the treaties which now exist between France and the United States, the following leading principles, to govern the negotiation, are subjoined:

1. Conscious integrity authorizes the Government to insist that no blame or censure be directly or indirectly imputed to the United States. But, on the other hand, however exceptionable, in the view of our own Government, and in the eyes of an impartial world, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions; and we do not wish to wound her feelings, or to excite resentment. It will, therefore, be best to adopt, on this point, the principle of the British treaty, and "terminate our differences in such manner as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding."

2. That no aid be stipulated in favor of France during the present war.

3. That no engagement be made inconsistent with the obligations of any prior treaty.

4. That no restraint on our lawful commerce with any other nation be admitted.

5. That no stipulation be made, under color of which tribunals can be established within our jurisdiction, or personal privileges claimed by French citizens, incompatible with the complete sovereignty and independence of the United States, in matters of policy, commerce, and Government.

It will be expedient to limit the duration of the treaty to a term of from ten to twenty years. Such changes in the circumstances of the two parties are likely to happen within either of those periods, as to give one or both good reason to desire a change in the conditions of the treaty. From this limitation may be excepted such articles as are declaratory of a state of peace, or as intended to regulate the conduct of the two nations at the commencement of or during a state of war; or which are founded in morality and justice, and are, in their nature, of perpetual obligation. Of this kind may be considered the tenth article of the treaty with Great Britain, which, therefore, may very properly be introduced into the treaty with France.

Finally, the great object of the Government being to do justice to France and her citizens, if, in any thing, we have injured them, to obtain justice for the multiplied injuries they have committed against us, and to preserve peace, your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change of men and measures in France as will authorize, perhaps render politic, the use of strong language in describing the treatment we have received. On the other hand, the French Government may be determined to frustrate the negotiation, and throw the odium on this country; in which case, any thing like warmth and harshness would be made the pretext. If things remain in their present situation, the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment with mildness of language, and be calculated to impress an idea of inflexible perseverance, rather than of distrust or confidence.

With these instructions you will receive the following documents:

1. The printed State papers, containing the correspondence between the Secretary of State and the French minister, Mr. Genet.

2. The letter, dated January the 16th, 1797, from the Secretary of State to General Pinckney, and the documents therein referred to, in which all the known complaints of the French Government, since the recall of Mr. Genet, are exhibited and discussed.

3. A report from the Secretary of State to the House of Representatives, dated the 27th of February, 1797, exhibiting the state of American claims which had been presented to the French Government, (but few of which had been satisfied,) together with some further information relative to the depredations, by the officers and

people of that nation, on the commerce of the United States.

4. A report made by the Secretary of State to the President of the United States, on the 21st of June, 1797, and by him laid before Congress on the 22d.

5. Certain original depositions, protests, and other papers, relative to the French spoliations on the commerce, and personal insults and injuries to the citizens, of the United States.

6. The documents laid before the House of Representatives the 17th of May, 1797, relative to General Pinckney's mission to Paris, and comprehending some papers relative to the capture and condemnation of American vessels by the French.

7. The correspondence with the French consul general, Letombe, relative to the consular convention.

TIMOTHY PICKERING,
Secretary of State.

Department of State,
Philadelphia, July 15, 1797.

Copy of the Instructions to Oliver Ellsworth, William Richardson Davie, and William Vans Murray, Esq's, Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the French Republic.

Gentlemen: You have been witnesses of the enduring patience of the United States under the unexampled aggressions and hostilities authorized and sanctioned by the French republic against the commerce and citizens of the United States; and you are well informed of the measures adopted by our Government to put a stop to these evils, to obtain redress for the injured, and real peace and security to our country. And you know that, instead of relief, instead of justice, instead of indemnity for past wrongs, our very moderate demands have been immediately followed by new aggressions and more extended depredations; while our ministers, seeking redress and reconciliation, have been refused a reception, treated with indignities, and finally driven from its territories.

This conduct of the French republic would well have justified an immediate declaration of war on the part of the United States, but, desirous of maintaining peace, and still willing to leave open the door of reconciliation with France, the United States contented themselves with preparations for defence, and measures calculated to protect their commerce.

The treatment experienced by the former envoys of the United States to the French republic having determined the President not to send thither other ministers, without direct and unequivocal assurances, previously signified by its Minister of Foreign Relations, that they would be received in character to an audience of the Directory, and that they should enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers should be appointed and commissioned to treat with them, the French Government, by Mr. Talleyrand, its Minister of Foreign Relations, has declared that it will receive the envoys of the United States in the official character with which they are invested; that they shall enjoy all the prerogatives attached to it by the law of nations; and that one or more ministers shall be duly authorized to treat with them. This the President deems to be substantially the assurance which he required as the previous condition of the envoys entering on their mission. It now belongs to you, gentlemen, to see that this assurance be verified. Your country will not submit to any new indignity or neglect. It is expected, when you shall have assembled at Paris, and have given official notice of it to the Minister of Foreign Relations, that you will be received to an audience of the Executive Directory; that a minister or ministers, with powers equal to your own, will be appointed to treat with you; and that, within twenty days at furthest, after your arrival at Paris, your negotiation will be commenced. If, however, your passports to Paris should be unreasonably withheld; if an audience of the Directory should be denied or procrastinated; if the appointment of a minister or ministers, with equal powers, to treat with you, should be delayed; or if, when appointed, they postpone the intended negotiation, you are to relinquish your mission, demand your passports, and leave France. And, having once resolved to terminate the mission, you are not to resume it, whatever fresh overtures or assurances may be tendered to you by the French Government.

One more limitation: the subjects of difference between the United States and France have often been discussed, and are well understood, and therefore admit of a speedy decision. The negotiation is expected to be concluded in such time that you may certainly embark for the United States by the 1st of next April. This is highly important, in order that, on your return, Congress may be found in session to take those measures which the result of your mission shall require. If it can be earlier concluded, it will be still better.

If any of the periods above mentioned should be prolonged, with your assent, it is expected that the circumstances will be stated for your justification.

First. At the opening of the negotiation you will inform the French ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make to the citizens of the United States full compensation for all losses and damages which they shall have sustained by reason of irregular or illegal captures or condemnations of their vessels and other property, under color of authority or commissions from the French republic or its agents. And all captures and condemnations are deemed irregular or illegal when contrary to the law of nations generally received and acknowledged in Europe, and to the stipulations in the treaty of amity and commerce of the 6th of February, 1778, fairly and ingenuously interpreted, while that treaty remained in force; especially when made and pronounced—

1. Because the vessels' lading, or any part thereof, consisted of provisions or merchandise coming from England or her possessions.

2. Because the vessels were not provided with the *rôles d'equipage* prescribed by the laws of France, and which it has been pretended were also required by treaty.

3. Because sea-letters or other papers were wanting, or said to be wanting, when the property shall have been, or shall be, admitted or proved to be American. Such defect of papers, though it might justify the captors, and exempt them from damages for bringing in such vessels for examination, could not with reason be a ground of condemnation.

4. When the owners, masters, or supercargoes, shall have been refused a hearing, or placed in situations rendering their presence at the trials impracticable.

5. When the vessels or other property captured shall have been sold, or otherwise disposed of, without a regular trial and condemnation.

Captures and condemnations for such causes, and under such circumstances, are manifestly irregular and illegal.

The French Government, if it has any serious wish to accommodate existing differences, can make no difficulty in admitting the general proposition that, for injuries arising from violated laws and engagements, reparation shall be made. In every claim under this general stipulation the question will occur, Has the treaty or the law of nations been violated?

But such a general stipulation will not be sufficient.

The five specific propositions just stated are obviously proper rules of adjudication; but the previous admission of the first and second is vastly important to remove from hazard the most interesting claims of our citizens. To capture neutral property because it was produced or manufactured in the country of an enemy to France, is so palpably unjust, that it seems improbable that even the men who originated the law, were they still in power, would persist in it as of right: and it is scarcely possible for their successors to hesitate on this point. To hesitate would be to doubt whether a man has a right to occupy his own house, or to wear his own clothes, unless he had built the first or manufactured the last with his own hands.

The second proposition, respecting the *rôle d'equipage*, as well as the first, should be insisted on. Until the decree of the Directory of March 2, 1797, was passed, and we had felt its fatal effects, we had no idea of the meaning which the French applied to the phrase *rôle d'equipage*. In the consular convention between the United States and France, article ninth, which relates to deserters from vessels, the document is described in the French by the words "*des registers du batiment, ou rôle d'equipage*," and in the English part of the convention by the words "the registers of the vessel, or ship's roll." And this paper was to be produced to the proper judge, to prove a deserter to belong to the vessel in question. The law or usage of each nation was incontestably to direct what was proper for its own vessels in this respect. If an American master claimed from a judge in France his warrant to arrest a deserter, he must have produced his "ship's roll," or what in the United States is called his shipping paper, which is a contract signed by all the persons composing a vessel's crew.

The propriety and necessity of a ship's roll was, in the year 1790, sanctioned and enforced by an act of Congress.

And without such a written contract the master, besides being subjected to other disadvantages, could not claim his men when they deserted. This ship's roll every American master bound on a foreign voyage takes on board his vessel; and unquestionably every American vessel captured and condemned by the French for the want of a *rôle d'equipage*, has nevertheless been possessed of the ship's roll just described; and it is the only list of the ship's crew which could ever have been contemplated by the United States as necessary for American vessels. There never was, indeed, any intimation on the part of France, from 1778, when the treaty of amity and commerce was made, until the passing of the decree of the Directory in March, 1797, that a *rôle d'equipage*, other than the ship's roll, or shipping paper, would be required. It was then suddenly demanded; and the decree (like the law of January, 1798, respecting articles of the produce or manufacture of Great Britain) was instantly enforced, and became a snare to the multitudes of American vessels which, for want of previous notice, would not have on board the document in question, if their Government should permit them to receive a document which they were under no obligation to produce. For it cannot with any semblance of justice be pretended that the vessels of one nation are bound to furnish themselves with papers in forms prescribed by the laws of another. And if we resort to the treaty of 1778, or to the sea-letter or passport annexed to it, on which letter the Directory pretended to found their decree concerning the *rôle d'equipage*, we shall see that these words are not to be found in either. And although the passport mentions "a list, signed and witnessed, containing the names, surnames, the places of birth and abode of the crew of his [the neutral master's] ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of the marine," yet, instead of being obliged "to have the list on board," the passport declares "that he shall enter it in the proper office; and all that the treaty requires him to exhibit at sea is the sea-letter or passport. In a word, whatever is said about the *rôle d'equipage*, in the French application of the phrase, has relation to the laws and usages of France. It was to be exhibited to the officers of marine; but the United States have not, nor ever had, like France, any such description of officers employed in the examination and clearing of vessels and their crews prior to their going to sea; and the Directory, if they had wanted pretences for despoiling our commerce, might as well have made the omission of appointing marine officers in our ports, to whom, according to the letter of the passport, the *rôle d'equipage* was to be exhibited, a cause of capture and condemnation, as the omitting to furnish them with *rôles d'equipage* in the French form. In preparing, in 1793, the sea-letter for American vessels, the Secretary of State (Mr. Jefferson) changed in divers places the letter of the passport, substituting other words, applicable to us, and for "officers of the marine," "officers and judges of the marine," which words were descriptive of French institutions, using only the phrase "proper officers," in conformity with our own. In the same manner the "ship's roll," or shipping paper of the United States, if at all required, should have been respected by France, as her *rôle d'equipage* would have been respected by the United States. And, after all, what was the real object of the sea-letter, (in which alone there is any reference to a list of the crew,) and what was it substantially to express? The 25th article of the treaty of 1778 informs us, "in case either of the parties should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties;" and, with this further view, "that all manner of dissensions and quarrels might be avoided and prevented." For, as was declared in the 27th article, when a ship of the party remaining neutral, met with by a ship of the other party, had shown her sea-letter or passport, she was to "be free and at liberty to pursue her voyage, so as it should not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course."

It also merits observation that, according to the tenor of the sea-letter or passport, in every port or haven where he (the neutral master) should enter with his ship, he is required to show, not a *rôle d'equipage*, but his passport. Yet this passport, made and intended by the Governments of France and the United States, in 1778, to facilitate and protect their commerce, to exempt it from vexations, and to prevent dissensions and quarrels, has, by the Government of France, been converted into a fatal snare, an engine of mischief, producing quarrels, dissensions, vexations, and, to the commerce of many American citizens, absolute destruction.

Second. If these preliminaries should be satisfactorily arranged, then, for the purpose of examining and adjusting all the claims of our citizens, it will be necessary to provide for the appointment of a board of commissioners, similar to that described in the sixth and seventh articles of the treaty of amity and commerce between the United States and Great Britain.

The commissioners of the two nations may first meet at Paris. In choosing the fifth commissioner, they will have a right to propose a Frenchman or an American. But it might conduce to more satisfactory results, if this fifth commissioner were a foreign civilian, eminent for his learning, talents, and integrity.

Three of the commissioners may constitute a board, provided one named on each side, and the fifth commissioner, be present. The four commissioners, in the absence of the fifth, may also constitute a board; and, in each case, the decisions of a majority are to be valid. But when on any questions the four commissioners, in the absence of the fifth, shall be equally divided, such questions are to be re-examined and decided in the presence of the fifth commissioner. Further, in absence of the fifth commissioner, any three of the other commissioners may constitute a board, and their decisions be valid, in cases were they are unanimous.

The salaries of the commissioners, the expense attending the commission, and the supplying of vacancies in it, may be regulated in the manner proposed in the eighth article of our treaty of amity and commerce with Great Britain.

The commissioners should be appointed, and meet at Paris, within six months after the ratifications of the treaty by the respective Governments, and as much sooner as may be.

Claims may be presented to the board during two years, commencing with the day on which the commissioners shall first assemble to proceed to business; and, in particular cases, in which it shall appear to them reasonable and just, they may extend the time of receiving claims to any reasonable term after the expiration of the two years.

All sums which the board may award to American claimants, France should stipulate to pay in gold and silver, without any deduction, at such place or places, and at such time or times, as the commissioners shall appoint. The awards should comprehend a reasonable allowance of interest on the amount of the original loss and damages; or, instead of prompt payment, the whole may constitute a transferable capital, bearing interest until the debt be discharged.

The board should also take cognizance of the claims which may be presented to them by American citizens, for merchandise or other property seized by the French in their own ports or elsewhere, and not comprehended under the head of captures; and for their vessels arbitrarily and unreasonably detained in French ports, and for the losses and damages thereby sustained; the board should award equitable compensations, to be paid in the manner prescribed in the case of captures.

The claims of the United States, as distinguished from those of their citizens, for injuries received from the French republic or its citizens, should be submitted to the same board; and, whatever sums they award, France should stipulate to pay, in the manner before mentioned, in the case of captures.

As the French Government have heretofore complained of infringements of the treaty of amity and commerce by the United States or their citizens, all claims for injuries thereby occasioned to France or its citizens are to be submitted to the same board; and whatever damages they award will be allowed by the United States, and deducted from the sums awarded to be paid by France.

If, however, the French Government should desire to waive its *national* claims, you may do the like on the part of the United States. Doubtless, the claims of the latter would exceed those of the former; but to avoid multiplying subjects of dispute, and because *national* claims may probably be less definite than those of *individuals*, and, consequently, more difficult to adjust, *national* claims may on both sides be relinquished.

All claims for sums due to American citizens, by contracts with the French Government or its agents, which may be presented to the board, France should stipulate to pay within the shortest periods possible to obtain, with interest at the rate or rates agreed on; or if no agreement about interest appears, then at the rate to be fixed by the board, and from the times when the sums were respectively payable by contract. This, also, may be transferable stock.

The questions about interest, and any other questions which may arise out of the claims founded on contracts, not explicitly determined by the treaty, may be left to the decision of the board of commissioners.

Third. If the preceding claims shall be duly attended to, and adequate arrangements made for adjusting and satisfying them, you will then turn your thoughts to the regulation of navigation and commerce, and to some other points interesting to the two nations.

Fourth. It may be stipulated that there shall be a reciprocal and entirely perfect liberty of commerce and navigation between France and the United States, and their territories and dominions in every part of the world; but without admitting the vessels of either country into the rivers of the other beyond the highest ports of entry from the sea.

With the usual policy of European nations, France may object to the free admission of American vessels into the ports of her colonies; but the singular injuries our commerce has sustained from France during the present war, which no payments, to be made by her under the preceding stipulations, can ever fully compensate, plead for an entire liberty of trade with her colonies, at least during the term of the proposed treaty, and until the stipulated compensation shall actually have been made.

Another reason will naturally operate in favor of this claim—the inability of France immediately to furnish the requisite navigation and supplies for the commerce of her distant possessions.

But if France will not allow us a trade with her colonies on the terms which may be agreed in respect to the parent State, we should be silent on the subject. The commerce of all our territories will be open to France; that of all her dominions should be alike open to us. At any rate, it appears inexpedient for the United States to countenance injurious distinctions respecting colonial commerce, to obtain a share in it by agreeing to allow a price for it, in the payment of extra duties. Neither ought we to stipulate any thing like what is contained in the last clause of the third article of our treaty with the United Netherlands; such an engagement would be a species of guaranty of the colony system. It is sufficient for the United States to treat foreign nations with justice and friendship.

Fifth. It may be stipulated that no other or higher duties shall be paid by the ships or merchandise of one party in the ports of the other, than such as are, or shall be, payable by the like vessels or merchandise of all other nations; that no other or higher duties shall be imposed in one country on the importation of any articles which are the growth, produce, or manufacture of the other, than are, or shall be, payable on the importation of the like articles, being the growth, produce, or manufacture of any other foreign country; and that no prohibition shall be imposed on the exportation or importation of any articles from, or to, the territories of the two parties, respectively, which shall not equally extend to all other nations.

And for the information of their respective fellow-citizens, and to prevent abuses, it may be stipulated that the consuls of each nation shall be officially furnished in the other with tariffs of all imposts, customs, duties, and charges: by which tariffs the demands of the officers of each nation may be respectively limited.

Sixth. The freedom of navigation and commerce here proposed will require the admission of the citizens of the two countries, respectively, into the dominions of the other, with liberty to reside there, to hire and possess houses and warehouses for the purposes of their commerce, and complete protection and security for the merchants and traders on each side, with their property, whether in going to, residing in, or returning from, the country of the other. Nor should they be liable to any tax on their person or property, to which the natives are not equally subject.

They should be at liberty to manage their own affairs, without being obliged to employ any factor, broker, or interpreter, or any persons to load or unload their vessels: with a right, however, to employ any or all of them, as well as advocates and attorneys, at their pleasure.

Seventh. The merchants and others of one nation, residing in the other, should have liberty to dispose of their property by testament or otherwise, including real estates already acquired; and if dying intestate, their heirs should enjoy the right of succession. Provided that, if the laws of either country should at the time be incompatible with such transfer or inheritance of real estates by aliens, they may be sold, or otherwise disposed of, to citizens of the two countries respectively. The citizens of the United States should not, in respect to their property, be considered as *aubains* in France, and consequently should be exempted from the *droit d'aubaine*, or other similar duty.

Eighth. The mutual residence of citizens of the two nations in the countries of each other necessarily requires the free exercise of religion, at least in their own houses and in their own way; and permission to bury their dead in convenient places.

Ninth. If debtors flee from one country to the other, the creditors should be allowed to pursue them, and have the benefit of the laws of the country to which they flee, in the same manner as if the debts had been there contracted.

Tenth. Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor moneys which they may have in the public funds, or in the public or private banks, should ever, in any event of war or national differences, be sequestered or confiscated.

Eleventh. The ships of the citizens of the respective countries coming upon any coasts belonging to either, but not willing to enter into port, or, being entered into port, not willing to unload their cargoes, or break bulk, they should be treated according to the general rules prescribed, or to be prescribed, relative to the object in question.[*]

Twelfth. Neither party should permit the ships or goods belonging to the citizens of the other to be taken within cannon shot of the coast, nor elsewhere within their jurisdiction, by ships of war, or others having commission from any Prince, Republic, or State, whatever. But if such capture or other injury should happen, the party whose territorial rights are thus violated should use his utmost endeavors to obtain from the offending party full and ample satisfaction for the capture or injury so committed. The just freedom of commerce, and the interests and dignity of the neutral nation, demand the protection of all vessels entering its ports, not only from being taken, but from being pursued, within its jurisdiction, or immediately after their departure from its ports; therefore, their enemy, finding an asylum in those ports, should not be permitted to leave the same until the lapse of twenty-four hours after such departure.

Thirteenth. No asylum should be given to pirates; vessels and property rescued from their hands should be restored to the proper owners; the pirates, and any who conceal or assist them, should be brought to condign punishment: all with the precautions customary in such cases.

Fourteenth. The ships of war and other public vessels of each party should, at all times, be hospitably received into the ports of the other, their officers and crews paying due respect to the laws and Government of the country.

Fifteenth. In case the citizens of either party, with their private shipping, armed or unarmed, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, to seek for shelter in the ports of the other, they should be received and treated with humanity, and enjoy all friendly protection and assistance.

Sixteenth. In the case of vessels wrecked, foundered, or otherwise damaged, they should receive in each country the same protection and assistance as if they belonged to the inhabitants of the country on whose coasts the misfortunes should happen.

Seventeenth. Each party may appoint consuls for the protection of trade, to reside in the dominions and territories of the other, including colonies as well as the mother country: for wherever trade is permitted, there the assistance and protection of consuls is necessary. If a consul be sent to a colony, his provisional admission by the colonial Government might suffice, until the pleasure of the national Government should be known.

The consuls may enjoy the rights and liberties which belong to them by the laws of nations.

Eighteenth. Deserters from public and private vessels should be delivered up, and the laws of each country make suitable provision for that purpose. The merchants and commanders of vessels, public and private, of one nation, in the country of the other, may engage, and receive on board, seamen or others, natives or inhabitants of the country to which the vessels belong: Provided that, either on one side or the other, they may not take into their service such of their countrymen (not deserters) who have already engaged in the service of the other party, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under whose command such persons may be found will not voluntarily discharge them from their service. Not only the original enlistment, shipping paper, or rôle d'equipage, but a copy, duly certified by a judge of the country, may be admitted in proof of desertion.

Nineteenth. It may be agreed that, on mutual requisitions by the respective ministers or consuls of the two nations, persons charged with murder or forgery committed within the territorial jurisdiction of one, and fleeing to the other, shall be delivered up.

Twentieth. It may be agreed that neither party shall intermeddle in the common fisheries on the coasts of the other party, nor disturb the other party in the excercise of the rights which either now holds, or may acquire, of fishing on the banks of Newfoundland, in the Gulf of St. Lawrence, or elsewhere on the American coast, northward of the United States of America; but that the whale and seal fisheries may be freely exercised in every quarter of the world.

Twenty-first. The 17th and 22d articles of the commercial treaty between the United States and France, of February 6, 1778, have been the source of much altercation between the two nations during the present war. The dissolution of that and our other treaties with France leaves us at liberty with respect to future arrangements, with the exception of the now preferable right secured to Great Britain by the twenty-fifth article of the treaty of amity and commerce.

In that article we promise mutually, that, while we continue in amity, neither party will in future make any treaty that shall be inconsistent with that article or the one preceding it. We cannot, therefore renew with France the seventeenth and twenty-second articles of the treaty of 1778. Her aggressions, which occasioned the dissolution of that treaty, have deprived her of the priority of rights and advantages therein stipulated. Indeed, if the public faith, pledged in the British treaty, did not forbid a renewal of those engagements with France, sound policy should prevent it. We should preserve to ourselves the right of allowing every commercial nation in amity with us the like shelter, supplies, and assistance, under like circumstances; and by excluding all equally when engaged in war, (saving to each the rights of humanity and hospitality,) we may keep the calamities of war at a distance. The engagements with Great Britain may cease in two years after the close of the present war; but, under the stipulations contained in the twenty-eighth and last articles of the British treaty, the engagements in question may be continued to a longer period.

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[*] See section 60—new collection law.

If, therefore, you should find any cogent reasons for renewing in substance the seventeenth and twenty-second articles of the commercial treaty with France of 1778, it must be with the explicit declaration that neither at the present nor any future time shall the said articles be construed to derogate from the whole or any part of the twenty-fourth and twenty-fifth articles of the treaty of amity, commerce, and navigation, between the United States and his Britannic Majesty, concluded at London on the 19th of November, 1794.

Twenty-second. The present war has exhibited such inconveniences and mischiefs in our own country, and such monstrous abuses elsewhere, by trials, or pretended trials, and sales of prizes, by French consuls and agents, in order to prevent any claim to the exercise of such powers, it will be expedient expressly to declare they shall not be exercised in the United States, whether the prizes are made by public ships or privateers.

There will, of course, be a reciprocal denial of the exercise of the like powers by American consuls and agents in the dominions of France. Prizes ought to be conducted to the country to which the captors belong, unless the two parties are engaged in hostilities against a common enemy. But, in this case, the established courts for prize causes, in the country to which the prizes are conducted, should alone take cognizance of them.

Twenty-third. The duties of an impartial neutrality, when either party shall remain neutral, will forbid any permission to the enemies of the other to arm originally, or to increase a former armament, in the ports of the neutral party.

Twenty-fourth. When one of the parties shall be engaged in war, the vessel of the other may be captured on just suspicion of having on board property belonging to the enemy of the former, or of carrying to the enemy any of the articles which are contraband of war. With these exceptions the trade of each party to the ports of the enemies of the other should be perfectly free, unless to the ports actually blockaded. And, if such enemies forbear to capture enemy's property in neutral vessels, it may be agreed that in such case the contracting parties will forbear to capture the vessels of each other for that cause. The law of France of the 18th of January, 1798, respecting produce and manufactures coming from England or her possessions, is incompatible with the stipulation here proposed, and, if not repealed, negotiations with you must be deemed illusory.

But, that captures on light suspicions may be avoided, and the vexations and injuries thence arising prevented, the usual stipulations for sea-letters or passports, and certificates or manifests of the cargoes of vessels, may be introduced. But neither party should be allowed to prescribe the form, or to require the exhibition of any document (the sea-letter and certificates before mentioned excepted) not required by the laws or usages of the party to whose citizens the vessels and their cargoes belong. The form of the sea-letter should be simple, like that now used by the United States in that part of the passport which is printed in the English language.

When the quality of the ship, goods, and master, shall sufficiently appear from the sea-letter and certificates, the commanders of armed vessels should exact no further proof. And if any merchant ship be not provided with a sea-letter or certificates, the case should be examined by a proper judge; and if it be found from other proofs and documents that the vessel truly belongs to the citizens of one of the parties, it should not be liable to confiscation, but be released with its cargo; with the exception of enemy's property and contraband goods which may be found on board. The change of the master not to invalidate the passport.

Twenty-fifth. The following articles, beyond the quantities proper for the ship's use, may be deemed contraband of war: cannon, mortars, their carriages and beds, muskets, petards, match, ball, bombs, grenades, carcasses, cartridge boxes, gunpowder, saltpetre, pikes, halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, and generally all kinds of arms and warlike instruments fit for the use of troops; and all these articles may be declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy, but the vessel in which they are laden, and the residue of the cargo, to be free.

France will probably not desire to extend further the use of contraband; and especially not to comprehend timber for ship-building, naval stores, and other articles for the equipment of ships. If, however, she urges an extension, then timber for ship-building, tar, pitch, turpentine, rosin, copper in sheets, sails and sailcloth, hemp and cordage, may be added; and generally whatever may serve directly and principally for the equipment of vessels. But iron in pigs and bars, timber for house-frames, pine or fir planks and boards, staves, nails suitable for house-building, coarse linens, and generally all other articles which, though occasionally, or from necessity, applicable to the equipment of ships, are not directly and principally prepared for that purpose.

It is also probable that France will not desire to consider provisions as contraband, unless going to a place actually blockaded; and we ought strenuously to resist any other construction; but if what is said on this subject in the eighteenth article of our commercial treaty with Great Britain should induce France seriously and with earnestness to demand the like stipulation, it may be conceded, yet a modification may first be attempted, by proposing not only that if provisions be captured, they shall be promptly paid for, with a reasonable mercantile profit, freight and demurrage, but that they shall not be captured at all, unless going to a place actually blockaded, or to supply an invading army or hostile fleet, though in situations not actually forming an investment or blockade.

Twenty-sixth. If, on the exhibition of the certificates or manifests of a ship's cargo, the property of an enemy, or contraband goods, be discovered, and the ship be consequently captured and carried into port, provision must be made to prevent embezzlement, waste, and destruction.

But there is a very common regulation to prevent disorder and injury in stopping and examining neutral ships, which certainly is disregarded in practice, viz: that the examining ship shall not approach the neutral within cannon shot while her boat is sent to make the examination. It is a rule which would produce both inconvenience and delay, and in bad weather be impracticable, or very dangerous. The provision that only two or three men shall enter the neutral vessel is very proper, though, like many other salutary regulations, is not enforced by penalties on offenders. But, instead of visiting the neutral, the other often requires the neutral to send an officer with his papers. This is an abuse; and many instances have occurred in the present war, in which it has been practised with great inhumanity; and most when it was most inhuman—in tempestuous weather, when a boat could not be put out but with imminent danger of the lives of the men. It will therefore be very well to stipulate that the neutral party shall in no case be required to go on board the examining vessel. And if this should in any cases prevent an examination, it can afford no just ground of complaint: for, *prima facie*, better is the right of the neutral than of the belligerant vessel. Besides, the stipulation would be reciprocal.

Twenty-seventh. The usual stipulations in treaties, designed to prevent abuses by armed vessels, have ever been found inadequate; perhaps they do not admit of a complete remedy. If, however, any nation does not provide penalties and securities whereby to restrain offenders, and indemnify the injured, the nation itself ought to be responsible: doubtless the nation should be immediately responsible for all abuses committed by national ships.

One abuse is the destruction or concealment of papers of captured vessels. A remedy for this seems practicable: the captors may be obliged to give a receipt for them upon a list of the papers; and they may also be sealed up with the seals of the captors and captured.

The master and supercargo, being intrusted by the owners with the vessel and cargo, ought never to be separated from them; they may prevent waste and embezzlement, and, on the arrival of the vessel, will be ready for examination; and also to claim the property in behalf of the owners, and contest, as of right they may do, the legality of the capture.

Bribery, or an attempt to bribe any one of the ship's company or passengers to depose to any fact tending to the condemnation of vessel or cargo, or putting any of them to torture for that or any other purpose, should absolutely procure her acquittal.

But a still greater evil remains, and more difficult to remedy—the improper institution of prize courts. Probably no provision can be explicitly made, other than that each party will take effectual care that the judgments and decrees in prize causes shall be given conformably to the rules of justice and equity and the stipulations of the treaty, and without any unnecessary delay, by judges above all suspicion, and who have no manner of interest in the cause in dispute.

It would be some check on the judges in prize causes, if their reasons for condemning were required to be stated with the other proceedings in writing; and copies of the whole should, if demanded, be delivered to the commander or agent of the captured vessel, without the smallest delay, or, at furthest, within fifteen days after sentence pronounced, and sooner if practicable, and at the expense of the captors, (in case of condemnation,) not of the captured, who are otherwise sufficiently distressed.

Prizes, as already observed, should be conducted into the ports of the party at war, or of an associate in the war, and there adjudicated by the regular tribunals. The French have conducted their prizes into neutral as well as belligerant ports; and when there was no consul to try and condemn, leaving there the prizes, they have carried the papers to a distant place to find a French tribunal, and there, in the absence of the captured party, procured sentences of condemnation, and sold the prizes. The same mode of obtaining condemnations has been uniformly practised when they carried their prizes into the ports of an associate in the present war. But without waiting for the result of this farcical trial, it has been common to unlade and sell the cargoes as soon as they reached a port.

An unreasonable burden is imposed on the captured, in requiring them, if they think proper to appeal to a higher tribunal, to find sureties in large penalties, which, as strangers, it is impossible to procure. This evil demands redress.

The crews are often stripped of their property, and even of their clothes, and turned ashore without money or provisions. Such inhuman pillage is disgraceful to the nation which permits, or does not by adequate punishments restrain it. The masters, supercargoes, other officers, and seamen, should be allowed certain sums; the former to employ counsel to support their claims to the property captured, and all for their subsistence; and the seamen might have an adequate allowance of good provisions until they could find vessels returning to their own country. To admit masters and supercargoes into the courts to defend the property captured, when they have been previously stripped of their money, and all means of providing the legal assistance essential to a right defence, is to tantalize with the semblance of justice, while the substance is denied.

Twenty-eighth. If vessels of either party sail for a place actually blockaded by the other, without a previous knowledge of the blockade, every such vessel may be turned away, but not detained, nor her cargo, if not enemy's property nor contraband, be confiscated, unless, after notice, she shall attempt again to enter. Nor should any vessel that may have entered prior to the blockade be restrained from quitting such place with her return cargo; nor, if found there after the reduction of the place, should they be liable to any injury.

Twenty-ninth. If a war should break out between the two nations, six months after the proclamation thereof may be allowed to the merchants and others of each nation residing in the dominions of the other, for selling and transporting their goods and merchandise. And if, during that term, any thing be taken from them, or injury done them, by either party, or the citizens or subjects of either party, full satisfaction should be made.

Thirtieth. The articles of the treaty which you may conclude, as far as they respect compensation and payment for past injuries and contracts, should be permanent, until the objects thereof be fulfilled. So, likewise, the article to prevent the sequestration or confiscation of debts, and shares or moneys in the public funds, or in public or private banks, should endure while on either side there is a subject on which to operate. The other articles of the treaty should terminate in ten or twelve years; a period as long as they will be likely to be mutually satisfactory.

The following points are to be considered as ultimata:

1st. That an article be inserted for establishing a board, with suitable powers, to hear and determine the claims of our citizens for the causes herein before expressed, and binding France to pay or secure payment of the sums which shall be awarded.

2d. That the treaties and consular convention, declared to be no longer obligatory by act of Congress, be not, in whole or in part, revived by the new treaty, but that all the engagements to which the United States are to become parties be specified in the new treaty.

3d. That no guarantee of the whole or any part of the dominions of France be stipulated, nor any engagement made in the nature of an alliance.

4th. That no aid or loan be promised in any form whatever.

5th. That no engagement be made inconsistent with the obligations of any prior treaty; and, as it may respect our treaty with Great Britain, the instruction herein, marked 21, is to be particularly observed.

6th. That no stipulation be made, granting powers to consuls or others, under color of which tribunals can be established within our jurisdiction, or personal privileges be claimed by Frenchmen, incompatible with the complete sovereignty of the United States in matters of policy, commerce, and government.

7th. That the duration of the proposed treaty be limited to twelve years, at furthest, from the day of the exchange of the ratifications, with the exceptions respecting its permanence in certain cases, specified under the instruction marked 30.

TIMOTHY PICKERING.

Department of State, *Oct.* 22, 1799.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

Paris, *April* 7, 1800.

Citizen Ministers: The undersigned, appreciating the value of time, and wishing, by frankness, to evince their sincerity, enter directly upon the great object of their mission—an object which they believe may be best obtained by avoiding to retrace minutely the too well known and too painful incidents which have rendered a negotiation necessary.

To satisfy the demands of justice, and render a reconciliation cordial and permanent, they propose an arrangement, such as shall be compatible with national honor and existing circumstances, to ascertain and discharge the equitable claims of the citizens of either nation upon the other, whether founded on contract, treaty, or the law of nations. The way being thus prepared, the undersigned will be at liberty to stipulate for that reciprocity and freedom of commercial intercourse betwen the two countries which must essentially contribute to their mutual advancement.

Should this general view of the subject be approved by the ministers plenipotentiary to whom it is addressed, the details, it is presumed, may be easily adjusted, and that confidence restored which ought never to have been shaken.

Accept, citizen ministers, their assurances, &c.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

The Ministers of the French Republic to the Envoys of the United States of America, dated

Paris, *19th Germinal, year* 8.

[translation.]

The ministers plenipotentiary of the French republic have read attentively the proposition for a plan of negotiation which was communicated to them by the envoys extraordinary and ministers plenipotentiary of the United States of America.

They think that the first object of the negotiation ought to be the determination of the regulations, and the steps to be followed for the estimation and indemnification of injuries for which either nation may make claim for itself, or for any of its citizens.

And that the second object is to assure the execution of treaties of friendship and commerce made between the two nations, and the accomplishment of the views of reciprocal advantages which suggested them.

The undersigned observe, besides, that the French Government not authorizing any measure which can furnish a pretext of inquietude to the American commerce, a preliminary very favorable to the negotiation would be, that the envoys extraordinary and ministers plenipotentiary of the United States would make known to the ministers plenipotentiary of the French republic the orders which, without doubt, have been given by the President of the United States to discontinue the effect of the acts of Congress which have gone out of the bounds of good understanding which both nations equally desire.

The undersigned pray the ministers plenipotentiary of America to accept, &c.

J. BONAPARTE.
FLEURIEU.
RŒDERER.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

Paris, *April* 11, 1800.

Citizen Ministers: The undersigned have seen with pleasure in your note, which they had the honor to receive yesterday, an acquiescence in the principle of compensating equitable claims of citizens on both sides, though you have proposed to conclude, also, claims which either nation might make for herself.

This description of claims was omitted in the proposition of the undersigned, not from the apprehension of an unfavorable balance, but because, in their nature, they were difficult to define and limit; because their discussion might be unpleasant and dilatory; and because, also, to insist on pecuniary compensation for themselves would be incompatible with that magnanimity which it was presumed both nations would prefer in an act of accommodation so auspicious to their future prosperity. If, however, after considering these objections, and others which will suggest themselves, the ministers of the French republic shall deem it necessary to provide pecuniary compensation for such claims, the undersigned will be ready further to consider the question at a convenient stage of the negotiation, which they apprehend will be after it shall be seen what arrangement would be acceptable for the claims of citizens.

The expectation of the undersigned, with regard to commerce, is not to renew or amend the former treaty, but to propose a new one which shall have fewer difficulties of construction and execution, shall more extend the provisions for intercourse, and better adapt them to the existing state of things; and they trust that, when the negotiations shall have sufficiently progressed to take up this branch of it more particularly, their expectation will be shown to be reasonable.

Any recent acts of the French republic, having for their object to remove from the American commerce causes of disquietude, will be duly estimated in America, and be perceived to have strengthened the ground for returning confidence when there shall have been time for it.

With respect to the acts of the Congress of the United States, which the hard alternative of abandoning their commerce to ruin imposed, and which, far from contemplating a co-operation with the enemies of the republic, did not even authorize reprisals upon her merchantmen, but were restricted simply to the giving of safety to their own, till a moment should arrive when their sufferings could be heard and redressed: of these acts the undersigned do not know that the President of the United States has suspended their effects, except in the instance of saving St. Domingo from famine; but, without doubt, their effects will wholly cease as soon as it can be well assured that the necessity which imposed them no longer exists, of which the undersigned hope their mission will be regarded as a sufficient pledge.

Should it appear to the ministers of the French republic, from these explanations, made with a frankness equal to the candor with which they are sure to be examined, that the way is prepared to bring forward an arrangement for the claims of citizens, the undersigned will soon have the honor to offer for their consideration some details on that subject.

Accept, citizen ministers, the assurance, &c.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

The Ministers of the French Republic to the Envoys Extraordinary and Ministers Plenipotentiary of the United States, dated

Paris, 23*d Germinal, year* 8.

The ministers plenipotentiary of the French republic see no obstacle to prevent the envoys extraordinary and ministers plenipotentiary of the United States from unfolding the considerations at which they have stopped, on the subject of the arrangements to be made concerning the individual claims of one nation against the other.

These claims cannot be appreciated on one side or the other but by the discussion of the principles of the law of nations and the dispositions of treaties. The national claims will, for the most part, be implicitly appreciated when those of individuals shall be.

The national stipulations will be but the ulterior consequences of the same principles.

The question, whether it will be expedient to make a new treaty, cannot be resolved till after the discussions which shall have taken place relative to individual and national claims shall have determined the application which it is proper to make of the law of nations, and fixed with precision the sense of ancient treaties. It will be only after removing the doubts which have been raised in this respect that it will be possible for the ministers of the two nations to decide whether the ancient treaties are sufficient or not for their interests.

Besides, the ministers plenipotentiary of the French republic cannot see, without pain, that the ministers plenipotentiary of the United States do not know whether their Government have discontinued the hostile state which they have assumed with regard to France.

The French Government having repealed several regulations which had disquieted the Federal Government; having published many others with the view of reestablishing harmony; and being still ready to do all that justice can demand to remove every irritating remembrance, had a right to expect, among other testimonies of reciprocity, that the armed ships of the United States would no longer continue to attack the ships of the republic, and that the further effusion of human blood should not be to be feared.

In order, therefore, that the negotiation should not be disturbed by disagreeable incidents, it would be necessary that the ministers plenipotentiary of the United States should give to the ministers plenipotentiary of the French republic the assurances that their Government will without delay discontinue the hostile position which it holds with respect to France. This assurance, strongly required by the acts of the French Government, to which it would promise a just reciprocity, would be but a legitimate exchange of that which is contained in these presents.

The undersigned pray the envoys extraordinary, &c., to receive the assurance, &c.

J. BONAPARTE.
FLEURIEU.
RŒDERER.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

Paris, *April* 18, 1800.

Citizen Ministers: The undersigned have been favored with your note of the 23d Germinal.

With respect to assurances desired of them, that measures of the United States, which have been resorted to for the protection of their commerce, should immediately cease, they must explicitly declare that they are not authorized to give assurances, otherwise than by incorporating them in a treaty, it having been expected by their Government that in that way every necessary assurance on both sides would so soon be given as to render preliminary provisions of little use; and which expectation, the undersigned yet confidently trust will not be disappointed. Should they, however, be favored with copies of recent repeals of regulations which had given disquietude to the United States, it would be as well their pleasure as their duty to transmit the same, in the most favorable manner, to their Government, which would be sure, in the conciliatory temper it has evinced, to receive from them, very fully, the correspondent impressions they are adapted to make.

Penetrated as the undersigned are with the interests which both nations have in returning to a good understanding, they receive with sensibility a pledge of that event in the declaration that the French republic is ready to do all that justice can require, to obliterate every irritating remembrance. The undersigned, conceiving that the way is now prepared, have the honor to offer for consideration some details respecting the claims of individuals. They have preferred to offer them at once in the form of articles of the treaty, as containing a full and frank expression of their views, and as a mean by which the principles can be discussed, connected directly with the application, as the most probable way of fixing the attention of the ministers on both sides upon the points of difference of opinion, if any such exist, and as affording the most certain prospect of progressing in the business; and they have no doubt that in those articles or propositions will be seen a spirit of accommodation as well as of justice.

Accept, citizen ministers, the assurance of their high consideration.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Project of articles of a Treaty between the United States and France, proposed by Messrs. Ellsworth, Davie, and Murray, in their letter of April the 18*th*, 1800, *dated at Paris, to the Ministers Plenipotentiary of the French Republic.*

ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship, between the French republic and the United States of America, and between their respective countries, territories, cities, towns, and people, without exception of persons or places.

ARTICLE II.

Whereas complaints have been made by divers merchants and others, citizens of the United States, that, during the course of the war in which the French republic is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures or condemnations of their vessels and other property, and by reason of irregular or illegal seizures or detentions of their vessels and other property, in ports and places within the jurisdiction or dominions of the said republic, all under color of authority or commissions from the same; for which losses and damage they have failed, without manifest neglect or wilful omission on their part, to obtain adequate compensation: it is agreed that, in all such cases, full and complete compensation shall be made by the Government of the French republic.

And whereas complaints have also been made by divers merchants and other citizens of the French republic, that, under color of authority or commissions from the United States, for which losses and damage they have failed, without manifest negligence or wilful omission on their part, to obtain adequate compensation: it is agreed that, in all such cases, full and complete compensation shall be made by the Government of the United States.

That, for the purpose of ascertaining the amount of any such losses and damage sustained, either by citizens of the United States or of the French republic, five commissioners shall be appointed, and authorized to meet and act in the following manner, viz:

When the five commissioners, thus appointed, shall first meet, they shall, before they proceed to act, respectively, take the following oath or affirmation in the presence of each other; which oath or affirmation, being so taken, and duly attested, shall be entered on the records of their proceedings, viz: "I, A. B., one of the commissioners appointed in pursuance of the second article of the treaty of ———, between the French republic and the United States of America, do solemnly swear, or affirm, that I will honestly, diligently, impartially, and carefully examine all such complaints as, under the said article, shall be preferred to the said commissioners, and the same will decide, to the best of my judgment, according to the rules and principles of decision expressed and contained in the said treaty of ———. I will also, in like manner, examine all such complaints as, under the fifth article of said treaty, shall be preferred to the said commissioners, and will decide them, to the best of my judgment, according to justice and equity; and that I will forbear to act as commissioner in any case in which I am personally interested."

Two years from the day on which the commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but the commissioners are nevertheless authorized, in any particular case, in which it shall appear to them reasonable and just, to extend the said term of two years for any term not exceeding six months after the expiration thereof.

The commissioners shall be appointed, and meet at ———, within six months from the ratifications of this treaty by the respective Governments, and as much sooner as may be.

The commissioners, in examining the complaints and applications so preferred to them, shall have power to examine all such persons as shall come before them, on oath or affirmation, touching the premises; and, also, to receive in evidence, according as they may think most consistent with justice and equity, all written depositions, or books, or papers, or copies or extracts thereof; every such deposition, or book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now existing in the two countries, or in such other manner as the said commissioners shall see cause to require or allow. They shall not, in examining claims under this article, be concluded, either as to law or facts, by any judicial decision, sentence, or decree, which has been had or rendered therein. And they shall decide the claims in question according to the original merits of the several cases, and to justice, equity, and the law of nations; and, in all cases of complaint existing prior to the 7th of July, 1798, according to the treaties and consular convention then existing between France and the United States.

The award of said commissioners, or any board of them, as hereinbefore provided for, shall be final and conclusive as to the justice of the claim, and the amount of the sum to be paid to the creditor or claimant. And they shall comprehend, when in favor of a claimant, a reasonable allowance of interest on the original losses or damage, computed up to the time when the award is to be performed.

And it is also further agreed, that not only the now existing cases, of all the descriptions before named, but all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning, of this article.

ARTICLE III.

The French republic, desirous, in an adjustment of differences with the United States, to give them a proof of her liberality, by waiving formal exceptions, and narrowing the ground of discussion, does agree that such claims of the citizens of the United States for compensation as shall be, in other respects, fair and equitable, shall not be prejudiced by reason of not having on board their vessels, when captured, any other passport or sea-letter than such as had been usually furnished by their Government prior to the 2d day of March, 1797, or any other ship's *rôle d'equipage*, or other shipping paper, than had been generally used by the citizens of the United States prior to that date: nor shall their claims be prejudiced by reason of having on board their vessels, when captured, merchandise the manufacture or production of any particular country or place.

ARTICLE IV.

Any sum which shall be awarded by the said commissioners, pursuant to the second article of this treaty, in favor of a claimant, a citizen of the United States, the Government of the French republic will, on the condition of such releases or assignments, to be given by him as the said commissioners may direct, cause to be paid to such claimant, in silver or gold coin, without deduction, at Paris, within three months after the date of the award; or will then cause the sum so awarded to be converted into transferable stock or capital, bearing an interest at the rate of six per cent. per annum; which interest and principal the said Government will cause to be paid in gold or silver coin, without deduction, to such claimant or his transferee, at Paris, viz: the interest annually, and the principal by three equal instalments, viz: one-third in three years, one-third in five years, and the remaining third in seven years, from the date of the award. The form of the security or securities, and the mode of transfer, to be such as the said commissioners shall prescribe. And any sum which shall be so awarded in favor of a claimant, a citizen of the French republic, the Government of the United States will, within six months after the date of the award, upon like condition, and in like manner and time, cause to be paid, or secure to be paid, to such claimant or his transferee, at the city of Washington.

ARTICLE V.

And whereas complaints have been made by divers merchants and others, citizens of the United States, that the French Government is indebted to them by contract, in considerable sums, for provisions and other property received from them in France, and other places within the jurisdiction or dominions of the said republic, and for freight, and use of their vessels to transport provisions and other property and prisoners; all since the commencement of the war in which the French republic is now engaged; for a part of which debts they hold certificates and bills, issued and drawn by officers and agents of the republic, payable in France and in other places; and that, although they have used diligence, it has never been in their power to obtain payment of said debts, certificates, or bills; it is agreed that, in such cases, the claimants may, if they see fit, prefer their claims to the commissioners provided in the second article, who are authorized to proceed respecting the same, as to the time of their reception, mode of examination, and admission of evidence, and generally, in other respects, as is prescribed for the claims there specified; and they shall decide them according to justice and equity.

The award of the commissioners, in such cases, or any board of them, as is provided in the second article, shall be final and conclusive, both as to the justice of the demand and the amount of the sum to be paid to the creditors or claimants. And, when in favor of claimants, they shall comprehend interest from the times, respectively, at which the debts ought, according to the tenor or nature of the contract, to have been paid, at the rates respectively stipulated therein; or, where none was specially stipulated, at such rate, in each case, as the commissioners shall judge to be just. But it is understood that no person, by omitting to prefer such his claim to the commissioners, shall thereby impair his right to seek and obtain payment by any other means.

Whatever sum shall be awarded in favor of any claimant under this article, the Government of the French republic will, in three months after the date of the award, on condition of such releases or assignments, to be given by him, as the said commissioners may direct, cause to be paid to him, without deduction, in gold or silver coin, at Paris; or will then convert the same into transferable stock, or capital, bearing an interest at the rate of six per cent. per annum; which interest and principal the said Government will cause to be paid, without deduction, in gold or silver coin, to such claimant or his transferee, at Paris, viz: the interest annually, and the principal by three equal instalments, viz: one-third in two years, one-third in four years, and the remaining third in six years, from the date of the award. The form of the security or securities, and the mode of transfer, to be such as the said commissioners shall prescribe.

ARTICLE VI.

It is further agreed that the commissioners mentioned in this and the preceding articles shall be respectively paid in such manner as shall be agreed between the two nations; such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissioners shall be defrayed jointly by the two parties, the same being previously ascertained and allowed by a majority of the commissioners.

And in case of death, sickness, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed; and the new commissioner shall take the same oath or affirmation, and do the same duties.

EXPLANATORY NOTE.

The ministers plenipotentiary of the French republic will please to observe that a blank is left for the insertion of such claims of the citizens of the republic on the United States as the ministers may think proper to bring forward. A blank is also left for the mode of selecting the five proposed commissioners, and another for the manner in which they shall be organized; for the filling of which two last, the envoys of the United States are preparing propositions, which will be sent in a day or two. A blank is also left for the title of the treaty; of which the proposed articles, if agreed to, may form a part.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of the French Republic, to Messrs. Ellsworth, Davie, and Murray, dated

PARIS, *16th Floreal, year* 8—[*May* 6, 1800.]

The ministers plenipotentiary of the French republic regard, as well as the envoys extraordinary and ministers plenipotentiary of the United States, the communication of their project of a treaty as a frank mode of leading to the discussion of principles which should illumine the negotiation, and of directing to the object of it.

The object of this negotiation is to produce the reconciliation and to cement the ancient friendship of the two nations.

The principles from which the undersigned think it necessary to set out are those which can determine the true sense of those mutual obligations whose real or presumed inexecution has caused the misunderstanding of the respective Governments.

The valuation and discharge of damages for the two nations, or their citizens, which have resulted from this transient misunderstanding, can be considered only as a consequence of the interpretation which will be given by mutual consent to the treaties, and as a pledge of the sincere return to the primitive relations of the two nations, and of the forgetfulness of events which have disturbed them.

The communication of the project proposed by the ministers of the United States, then, tends to the removal of difficulties which may interpose between the object which it is necessary to attain, and the principles from which it is expedient to set out.

The respective ministers agree, also, upon the expediency of compensation.

The discussion, then, is now confined to two points, viz:

1st. What are the principles which ought to govern the political and commercial relations of the two nations?

2d. What is the form most suitable to the respective interests, of liquidating and discharging the indemnities which shall be due?

The examination of principles, it seems, should precede that of the means of indemnification; since, on the one part, indemnification can result only from an avowed violation of an acknowledged obligation and, on the other, the agreement upon principles can alone assure peace and maintain friendship.

The ministers of the French republic would therefore hasten to explain themselves upon the different interpretations given, respectively, to the treaties for several years past, if, upon reading the second article of the project of the the treaty which has been communicated to them, they had not been struck with a distinction, of which they neither conceive the cause nor the object, and upon which an explanation has appeared to them necessary. The words which include it relate to the commissioners which will be named for the liquidation of damages.

They shall decide, says the project, the demands according to their original and intrinsic merit, conformably to justice and the law of nations; and in cases of complaint prior to the 7th of July, 1798, they shall pronounce agreeably to the treaties and consular convention then existing between France and the United States.

The ministers plenipotentiary of the French republic see no reason which authorizes a distinction between the time prior to the 7th of July, 1798, and the time subsequent, for the purpose of applying to damages which have taken place in the former the dispositions of the treaty, and only the principles of the law of nations to those which have taken place during the latter.

The mission of the ministers plenipotentiary of the French requblic has pointed out to them the treaties of alliance, friendship, and commerce, and the consular convention, as the only foundations of their negotiations; upon these acts has arisen the misunderstanding, and it seems proper that, upon these acts, union and friendship should be established.

When the undersigned hastened to acknowledge the principle of compensation, it was in order to give an unequivocal evidence of the fidelity of the French Government to its ancient engagements, every pecuniary stipulation appearing to it expedient, as a consequence of ancient treaties, and not as the preliminary of a new one.

The undersigned pray, &c.

J. BONAPARTE.
FLEURIEU.
RŒDERER.

P. S. We have the honor to transmit you, herewith, the acts which prove the zeal of the French Government to discontinue the causes of irritation which have for some time subsisted.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

Paris, *May* 7, 1800.

A conference was held to-day for the purpose of agreeing upon the draught of an answer; and as the French ministers had acceded to the general proposition of mutual compensation and indemnity, in their note of the 19th Germinal, (9th April,) and had again recognised the principle in their note of the 16th Floreal, (6th May,) connected with certain discussions, and the ulterior adjustment of the existing differences in a treaty, the envoys were of opinion that they would facilitate the arrangements as to the preliminary object, and avoid the waste of time in the discussion of general abstract principles, by sending the entire project of a treaty which they had then prepared.

By these means they hoped to fix the attention of the French ministers to the real objects of difference, and press the business forward with a degree of certainty that would mark the progress of negotiation; and, therefore, the next day, the 8th of May, forwarded the answer [which follows] of that date, accompanied by the remaining part of their project of a treaty, from article seven to article thirty-six, inclusive.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

Paris, *May* 8, 1800.

Citizen Ministers: The undersigned have been honored with your note of the 16th Floreal.

They readily assign the reason why it was proposed by them that the treaties and consular convention made between France and the United States should be the rule of decision on the claims of their respective citizens, only with respect to causes of complaint which arose prior to the 7th of July, 1798, leaving their subsequent causes of complaint to rest upon the law of nations, as also the reason why they cannot regard those treaties as the basis of the present negotiation for any other purpose than that of giving a rule by which causes of complaint prior to the period above mentioned are to be tested.

It was not till after the treaty of amity and commerce of February, 1778, had been violated to a great extent on the part of the French republic, nor till after the explanations and an amicable adjustment sought by the United States had been refused, that they did, on the 7th of July, 1798, by a solemn public act, declare that they were freed and exonerated from the treaties and consular convention which had been entered into between them and France. Nor would such declaration, though justified by the law of nature and of nations, have even then been made, if it had been possible for the United States, while continuing the treaties and consular convention as the rule of their conduct, to guard against injuries which daily increased, and threatened their commerce with total destruction. That declaration cannot be recalled; and the United States must abide by its effects with respect to the priority of treaties, whatever inconveniences may result to themselves. The Government, it was understood, could not, with good faith, give to the undersigned powers to change or affect such prior treaty, and they do not possess them.

The undersigned deem it unnecessary at present to enumerate the acts of the French Government which produced the above measure. The principles of those decrees are as well understood, and now as fully acknowledged, as the mischiefs they have generated; and as the object of this negotiation is to produce the reconciliation and to cement the ancient friendship of the two nations, such a painful recapitulation would answer no valuable purpose. They are therefore still of opinion that the views of the respective ministers should be directed to the object of terminating their differences in such a manner as, without a specific and detailed discussion on the merits of the respective complaints, might, by the adoption of plain and acknowledged principles of justice, produce mutual satisfaction and a permanent good understanding.

The undersigned recognise the principle that right to indemnification can result only from the violation of a known obligation, and they conceive it to be equally incontrovertible that the law of nations constitutes such an obligation where treaties do not exist. They have not understood that the principle of compensation proposed by them was admitted, without a supposition that other points would be satisfactorily arranged; yet they trust that satisfying the demands of justice will always be considered as the wisest of political expedients.

The questions, what are to be the political, and what the commercial relations of the two countries, have had the consideration, so far as the undersigned have been able to bestow it, which questions of such high and extensive import deserve.

For an answer to the first, they refer to their project of a treaty; and it is scarcely necessary to add that the interest of the United States, while it prompts them strongly to cultivate a good understanding with France, forbids them to wish such relations to any Power as might involve them in the contests with which Europe is so often scourged. They wish not even to afford in their ports, beyond the rights of hospitality, an asylum for privateers, which obstructs their commerce, and too easily entangles them in the conflicting passions and interests of the belligerant Powers.

It is true, however, that the engagements of the United States do not as yet permit them to pursue their policy with respect to privateers to its full extent; those of one nation have a right of asylum in their ports, but it is a right which may cease in two years after the present war with Great Britain. Nor is it conceived to be very interesting to the French republic during the present war, which is presumed to draw near to an honorable termination, to whose prizes and privateers the ports of the United States may, in the mean time, be most open, as few or none of her merchantmen now pass that coast to be exposed, and as few or none of her enemies pass it without convoys too strong for privateers.

For an answer to the other question, what is to be the commercial relation of the two nations? the undersigned refer particularly to the thirteenth article of their project, which they have endeavored to accommodate, not only to the existing circumstances, but to the future hopes of both nations.

It is seen that this article goes further than the colonial and monopolizing systems of Europe have admitted an experiment of; but it is hoped that the period approaches when nations will cease to interpose those barriers and restraints upon commerce, which, beside checking industry and enterprise, diminish the value of every thing they have to sell, and enhance the price of every thing they purchase.

As to an unembarrassed intercourse between the United States and the French West India islands in particular, nothing could more happily or perhaps more justly efface from the recollection of the former their sufferings in that quarter; and certainly nothing would sooner restore the latter to productiveness and utility. They need only, in addition, to order facility of supply and sales, for a few years, for their complete re-establishment, and even to carry them to a height of prosperity which the neighboring islands could not rival.

Reserving to the republic exclusively her coasting trade, and the direct trade between France and her colonies, and to the United States their coasting trade, and leave each nation to encourage, also, by a reduction of duties to a limited extent, the use of their own ships, is presumed sufficient so to raise the marine of both, which fortunately can rise without being objects of mutual jealousy, as to ensure a reasonable share of the privileges of the ocean.

And, lastly, it will not be an objection to this article, that, while it proposes to invigorate the commerce of France, it promises also extension and activity to that of the United States. Because it is well understood that every depression which the commerce of the latter feels, and every risk to which it is subjected, profit only the enemies of the former, by augmenting their carrying trade, and increasing their naval power.

With this note the undersigned have the honor to transmit the remaining part of a project, which, together with what has been transmitted, discloses fully their views, and will, as they hope, facilitate the progress of the negotiation. Accept, &c.

O. ELLSWORTH.
W. R. DAVIE.
W. V MURRAY.

P. S. The envoys of the United States have not had the pleasure to receive the copies referred to in the postscript of the note to which the above is an answer.

Messrs. Ellsworth, Davie, and Murray, to Mr. Pickering, Secretary of State of the United States, dated Paris, May 17, 1800.

Our success is yet doubtful. The French think it hard to indemnify for violating engagements, unless they can thereby be restored to the benefits of them.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated May 23, 1800.

The French ministers had frequently mentioned in conversation the insuperable repugnance of their Government to yield its claim to the anteriority assured to it in the treaty of amity and commerce of 1778; urging the equivalent alleged to be accorded by France for this stipulation, the meritorious ground on which they generally represented the treaty stood; denying strenuously the power of the American Government to annul the treaties by a simple legislative act; and always concluding that it was perfectly incompatible with the honor and dignity of France to assent to the extinction of a right in favor of an enemy, and much more so to appear to acquiesce in the establishment of that right in favor of Great Britain. The priority with respect to the right of asylum for privateers and prizes, was the only point in the old treaty on which they had anxiously insisted, and which they agreed could not be as well provided for by a new stipulation.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

Paris, *July* 23, 1800.

Citizen Ministers: The envoys of the United States being apprehensive lest possibly their verbal remarks to the ministers of the French republic, in the two last conferences, which led to and accompanied their written proposition, may not have been fully comprehended, from being expressed in a language but imperfectly understood, they have thought proper to reduce the substance of them to writing.

As to the proposition of placing France, with respect to an asylum for privateers and prizes, upon the footing of equality with Great Britain:

It was remarked that the right which had accrued to Great Britain in that respect, was that of an asylum for her own privateers and prizes, to the exclusion of those of her enemies; wherefore, it was physically impossible that her enemies should at the same time have a similar right.

With regard to the observation that, by the terms of the British treaty, the rights of France were reserved, and therefore the rights of Great Britain existed with such limitation as would admit of both nations being placed on a footing which should be equal:

It was observed by the envoys of the United States that the saving in the British treaty was only of the rights of France resulting from her then existing treaty; and that that treaty having ceased to exist, the saving necessarily ceased also, and the rights which before that event were only contingent, immediately attached, and became operative.

With respect to the supposition that the treaties with France still continued to exist:

It was remarked that a treaty, being a mutual compact, a palpable violation of it by one party, did, by the law of nature and of nations, leave it optional with the other to renounce, and declare the same to be no longer obligatory; and that, of necessity, there being no common tribunal to which they could appeal, the remaining party must decide whether there had been such violation on the other part as to justify its renunciation. For a wrong decision it would doubtless be responsible to the injured party, and might give cause for war: but, even in such case, its act of public renunciation, being an act within its competence, would not be a void, but a valid act, and other nations, whose rights might thereby be beneficially affected, would so regard it.

That it had become impossible for the United States to save their commerce from the depredations of French cruisers but by resorting to defensive measures; and that, as, by their constitution, existing treaties were the supreme law of the land, and the judicial department, who must be governed by them, is not under the control of the executive or legislative, it was also impossible for them to legalize defensive measures incompatible with the French treaties while they continued to exist. Then it was that they were formally renounced, and from that renunciation there resulted necessarily a priority in favor of the British treaty, as to an exclusive asylum for privateers and prizes—a right, indeed, which she has made little use of, and with respect to which it would be unconsequential during the remainder of the present war, whether she or France possessed it; but, as it was a vested right, neither the Government of the United States nor their ministers could, with good faith, stipulate to France a right inconsistent with it.

To the still further suggestion that the law of nations admitted of a dissolution of treaties only by mutual consent or war, it was remarked by the undersigned that their conviction was clearly otherwise, and that Vattel, in particular, the best approved of modern writers, not only held that a treaty violated by one party might for that reason be renounced by the other, but that, when there were two treaties between the same parties, one might be rendered void in that way, and the other remain in force; whereas, when war dissolves, it dissolves all treaties existing between the parties at the time.

It appearing, however, to be the ultimate opinion of the ministers of the French republic that it did not comport with the honor of France to be deprived of that right, and at the same time to be called upon for compensation, the undersigned, solicitous for the honor of France, as well as that of America, devised, and offered as their last effort, the written proposition above alluded to, and which, it was conceived, did essentially remove the difficulty. Its object was to suspend the payment of compensation, a consideration of much weight in the estimate of the United States, until France could be put in complete possession of the privileges she contended for, and, at the same time, to give that security which a great pecuniary pledge would amount to for her having the privilege as soon as it could be given with good faith, which might perhaps be in a little more than two years, and at any rate within seven.

Accept, &c.
O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of the French Republic, to Messrs. Ellsworth, Davie, and Murray, dated

Paris, 8*th Thermidor,* 8*th year—* [*July* 27, 1800.]

[translation.]

The ministers plenipotentiary of the French republic have received the note of the 23d of July, 1800, (4th Thermidor, 8th year,) which the envoys extraordinary and ministers plenipotentiary of the United States of America have taken the pains to address to them.

This note has two objects:

The first is to resume the answers which have been made by the ministers plenipotentiary of the United States to certain reflections presented to them by the ministers plenipotentiary of France, in two anterior conferences, on the subject of the right of asylum in the ports of the United States and of France, which had been reciprocally and exclusively assured to the privateers of each of the two nations, for their ships and prizes, by the treaty of 1778—a right which the ministers plenipotentiary of the United States have pretended to be abrogated between France and the United States, and established, to the prejudice of France, between the United States and England.

The second object of the note is to explain the motives of the proposition made by the American ministers in the last conference, and tending to stipulate that the indemnities which should be due to the United States should not be paid until the United States should have offered to the French republic an article stipulating the free admission in the ports of each of the two States of the privateers and prizes of the two parties, to the exclusion of their enemies, and likewise that this indemnity should not be paid unless such article should be offered in seven years. This article to have the same effect in point of priority as a similar stipulation had in the treaty of 1778.

Relative to the first object, the French ministers are obliged to repeat, that their instructions being grounded on the perfect acknowledgment of ancient treaties, it is impossible to subscribe to the annihilation of a privilege assured by the treaty of 1778 to the privateers of each of the two nations in the ports of the other, and, above all, to the establishment of this privilege in the mutual relations of the United States and Great Britain.

But, convinced that the true interest of France is strictly connected with the prosperity of the United States, and the prosperity of the United States with their perfect independence; convinced that the exclusive right granted by one nation to the privateers of another to bring their prizes into their ports is of a nature to compromit its tranquillity, and by that its independence, either because in a number of cases it will give just cause of complaint, or at least of umbrage, to the Powers upon whom such prizes are made, they hasten to repeat, at the same time, to the American ministers, that, in case of a reconciliation, they will make it a duty to insist with their Government upon the proposition which they have already made to abolish all exclusive right of entry in their respective ports for the privateers of the two nations, with their prizes, and to reduce themselves for them to the right of bringing in their prizes in concurrence with the most favored nation. They believe that the French Government would be honored by the sacrifice of a privilege which can be prejudicial to its ally, but that it would be disgraced in depriving itself of it, to the advantage of its enemy, and without advantage to the American independence.

The French ministers do not find in the note of the 23d July, 1800, any reason to determine them to consider the treaties made between France and the United States as broken.

The act of Congress of the 9th of July, 1798, is the declaration of one party, but the treaty being the work of two, one alone cannot destroy otherwise than by war and victory that which is the engagement of two.

When Congress declares, on one side, that France has contravened the treaties, and that they are exonerated from them; and when, on the other, the French Government declares that it has conformed to the treaties, that the United States have alone infringed them, and it wills their execution, where is the law, where is the tribunal, which authorizes the exoneration rather than the execution?

While there is a dispute between two contracting parties respecting the existence or annihilation of a treaty, there cannot result from the annihilation pretended by one of the parties any right to the advantage of a third.

If France had declared the treaty null, and the United States had maintained that it was entire, England could not have been authorized to say to America, I enter upon the rights of France. This is beyond doubt. The declaration of a rupture made by one party does not operate a rupture.

These observations are conformable to the doctrine of all publicists.

The opinion of Vattel cannot be understood but of the nullity in law, and not of the nullity in fact, and it is the nullity in fact which can alone give an opening to the rights of a third party for anteriority. These observations likewise flow from the nature of things. If it is free to one contracting party to disengage itself when it pleases, in virtue of its own proper judgment, upon facts, upon men, upon things, there is no more obligation attached to treaties; the word ought to be erased from all languages. If a right of anteriority can be destroyed, to the prejudice of the nation who possesses it, by the sole act of the party who has recognised it, and if, by this sole act, the right passes to a third party, it must be recognised as a principle that a nation who makes a second treaty raises an enemy to her with whom she has made a first, and that she assures the spoil to this enemy the moment she has a mind to act in concert with her.

The ministers plenipotentiary of the French republic will not push further their observations. Those which they have repeated suffice to establish the rights of France, and to her the honor of a sacrifice, which she would make in renouncing the exclusive right of entry in the ports of America, for the French privateers accompanied with their prizes.

Passing to the second object of the note, the French ministers observe that the proposition of the American ministers offers to the republic at a distant time the hope of exclusive advantages, of which they think she ought not to be jealous, and for the present, and perhaps for seven successive years, a humiliating forfeiture of these rights, and a shameful inferiority with regard to a State over which she had acquired these privileges, by the services she had rendered to America when it made war with such State. When the ministers of France can subscribe to a condition unworthy the French nation, the price which they would put upon their humiliation would not be the continuance of a subjection which they consider to be contrary to the interests of the United States.

The dependence of her ally cannot be for her an indemnity for a national suffering. The French ministers, believing it to be their duty to insist with their Government upon the immediate renunciation of a privilege well acquired, it would be contradictory that they should provide for its return at a distant time.

They have the honor to assure the ministers plenipotentiary of the United States of their high consideration.

J. BONAPARTE.
FLEURIEU.
RŒDERER.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of the French Republic, to Messrs. Ellsworth, Davie, and Murray, dated August 11, 1800.

[TRANSLATION.]

PARIS, 23*d Thermidor, year* 8.

The ministers plenipotentiary of the French republic have received from their Government the new instructions for which they thought they were obliged to ask when they learned, by the unexpected note of the ministers plenipotentiary of America, that the United States held their treaties with France annulled; and that it was impossible for them to recognise them with the advantages attached to their date. The French ministers hasten to present to the American ministers the reflections and propositions which the present state of the negotiation appears to them to require.

In the first place, they will insist upon the principle already laid down in their former note, viz: that the treaties which united France and the United States are not broken; that even war could not have broken them; but that the state of misunderstanding which has existed for some time between France and the United States, by the act of some agents, rather than by the will of the respective Governments, has not been a state of war, at least on the side of France.

If the reflections presented on this subject in the note of the French ministers of the 8th of the present month suffice to lead the ministers of the United States to the acknowledgment of the treaties, the first consequence which will result from them, and which the ministers of France will be eager to recognise anew, is, that the parties on both sides ought to be compensated for the damages which have been mutually caused by their misunderstanding. The ancient treaties being maintained in their integrity and anteriority, it will be just and expedient to terminate, even in remembrance, altercations which have arisen in the course of relations which they have established.

Thus, the first proposition of the ministers of France is to stipulate a full and entire recognition of the treaties, and the reciprocal engagement of compensation for damages resulting on both sides from their infraction. If the American ministers should continue to think it impossible for them to acknowledge the treaties with the advantage of their date, if it should be proved that France unseasonably flattered herself with a friendship not interrupted with the United States, that, uselessly, she would consecrate her fidelity in subscribing to repair the infractions committed by some agents and corsairs, the French Government would consent to the abolition of the treaties with so much the less repugnance, as the ministers of America appear to regard some dispositions of them as not compatible with the perfect independence of the United States. Such is that of which they speak in the note of the 18th Floreal, (8th May,) when they express the desire to reduce the privateers of foreign nations to simple hospitality in the United States, in order to free their commerce from all restraint, and their policy from all relation with the interests and passions of the belligerant Powers.

The French Government is convinced that the most perfect independence is necessary to the United States, to raise them to their high destinies; and it would willingly make a sacrifice of advantages, which might compromit that independence, however well they may be acquired, with whatever reciprocity, and with whatever services they may have been purchased.

In consequence, they declare that the reclamation of treaties, and the offer to repair their execution, if it had taken place—a reclamation dictated wholly by a scrupulous fidelity to engagements, advantageous besides to the United States—would easily give place to views conformable to the interest of the independence and security which employs them. They declare, particularly, that France would not refuse to give up the exclusive privilege which their privateers enjoyed for the introduction of their prizes into the ports of the United States. At all times, the ministers of France, in acquiescing in the annihilation of treaties, cannot conceal that the act by which the United States have declared their nullity has been a just provocation of war; that the hostile acts which have followed this provocation, those which have been multiplied with so much eclat, even since the French Government had caused every pretext of complaint on the part of the United States to cease, have been war itself; that France disguised the true state of her relations with the United States, when she recognised them as a simple, temporary, and reparable misunderstanding. In a word, that a new treaty between France and the United States ought, before all, to be a treaty of peace. From this observation, therefore, it appears to them that the two Governments should no longer occupy themselves with their respective accounts, considering that the right of war dispenses with repairing its ravages, and that the honor of national arms forbids even to be employed about them, since that State which should have a balance to pay the other, in discharging it, should acknowledge a conqueror, and would purchase peace.

Finally, it ought well to be understood, that, in acquiescing in the abolition of the treaties, the French Government would mean to renounce only a privilege which they secured to France, and that it will never consent to be placed on a line inferior to that of any other Power, in their relations to the United States. It would renounce, without pain, the exclusive advantages which it possessed, but cannot consent that others should exercise them to its prejudice. It would abdicate, without regret, a right which it had acquired, but will never acknowledge that of another founded on the ruin of its own. That which it owes to its dignity, it owes, and even wishes it, for the prosperity of the United States. If the United States relieve themselves from obligations, which perhaps bore heavy on their independence, this ought to be to establish it more perfect than ever, and not to bend it down in an opposite direction.

The second proposition of the ministers of France, in case that which precedes should not be accepted, would then be the abolition of ancient treaties—the formation of a new treaty, in which the French nation, laying aside a privilege disagreeable to the United States, would treat for its political and commercial relations, as the most favored nation, and in which there would be no demand of compensation.

Thus, the propositions which the French ministers have the honor to communicate to the ministers plenipotentiary of the United States are reduced to this simple alternative:

Either the ancient treaties, with the privileges resulting from priority, and the stipulation of reciprocal indemnities;

Or a new treaty, assuring equality without indemnity.

The American ministers will recognise, without doubt, in this double overture, and in the exposition of the motives which produce it, the desire which the French Government has to terminate the negotiation in a manner satisfactory to the United States.

The ministers of France have the honor to assure, &c.

J. BONAPARTE.
FLEURIEU.
RŒDERER.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

Paris, *July* 7, 1800.

The next day the American ministers were invited to dine on the 11th with the president of the French commission, and as no answer had been received to the note of the 6th, it was agreed that the 11th should be considered by them as the time appointed for the conference; the object of which, on their part, was to ascertain the difficulties which seemed to have arrested all progress on the part of the French ministers; to designate with more precision the real grounds of difference, and, if possible, to adopt some arrangement that would accelerate the negotiation.

On the 11th, before dinner, Mr. Bonaparte informed them that the whole business of the treaty was now under the consideration of the Premier Consul; and that his decision and instructions were expected in the course of a few days, when the notes and propositions received would be immediately answered. The American ministers repeated their regret at the long delay which had taken place; and, upon their expressing the desire that a conference should be held that evening, the French ministers readily consented.

After the objects of requesting an interview were stated, the president of the French commissioners said they would frankly state the difficulties which had arisen with their Government. Although they had not received, officially, its determination or instructions, they believed they were possessed of its present sentiments and opinions, and could not avoid adding that they accorded with those of the commission. He then declared that it was the decided opinion of the Premier Consul that the ancient treaties ought to be the basis of negotiation; that compensation could only be a consequence of the existence of the treaties, and the re-establishment under them of the former privileges and relations; and that he would never consent to make a treaty which would surrender the exclusive rights of France, in effect, in favor of an enemy, or, in any event, make a treaty with the United States which would not place France on a footing of equality, at least, with Great Britain. He thought it would be derogatory to the present Government to make a treaty less advantageous and less honorable than that made by the royal Government. Discussions of some length took place on the most important points; but, as the whole business on the part of the French ministers, was under reference to their Government, no point could, of course, be settled; and the conference closed with the request of the French ministers that all they had said should be considered merely as confidential.

After several deliberations on the difficulties which had now completely arrested the progress of the negotiation, and the selection of some expedient which might remove them, the American ministers at length determined to request an early interview, and make a proposal, to the effect that the payment of the indemnities should be suspended until the Government of the United States should have offered to France articles re-establing her in the exclusive privileges she claimed under the treaty of '78. It was considered that the American Government might, or might not, perform this condition, after a further view of the political state of Europe, and the possession of more ample means to estimate a promise of indemnity. It was also clearly perceived that, unless the indemnities were secured, by some means, under the present negotiation, they would be for ever lost.

July 15*th*.—At an interview to-day with the French ministers, the following proposition was delivered to them in writing:

Indemnities to be ascertained and secured in the manner proposed in our project of a treaty, but not to be paid until the United States shall have offered to France an article stipulating free admission, in the ports of each, for the privateers and prizes of the other, and the exclusion of those of their enemies; nor unless the article be offered within seven years; such article to have the same effect, in point of priority, as a similar provision had in the treaty of 1778.

July 15*th*, 1800.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

Paris, *August* 15, 1800.

An interview took place with the French ministers on the subject of their note of the 23d Thermidor, for the purpose of ascertaining, with more precision, their views on some points which were supposed to be covered under the general terms of their note.

The conference was opened, on the part of the American ministers, in a manner which they supposed would entitle them to the utmost candor and frankness. The French ministers were, however, extremely reserved, answering with great caution to every inquiry in the general terms of their note; the result of the conference was, of course, little satisfactory to the American ministers, who were, consequently, obliged to consider the French note in the general terms of its text. It now became necessary to decide whether the negotiation should be broken off, or the instructions departed from; whether the treaties should be revived, or the indemnities sacrificed; and, if the treaties were revived, whether, after considering the text of the French note, and the obstinacy with which the ministers adhered to it, an attempt should be made to effect a modification that might enable our Government to extinguish the exclusive privileges of France under the treaty of amity and commerce, as well as her claims under the treaty of alliance. The following note became the result of several deliberations and discussions on these points, and was sent to the French ministers on the 20th of August.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States to the Ministers Plenipotentiary of the French Republic, dated

Paris, *August* 20, 1800.

Citizen Ministers: The undersigned ministers have been honored with your note of the 23d Thermidor.

It adds to the regret occasioned by three months' delay for further instructions, that they confirm the obstacles which had brought the negotiation to a stand.

To abandon the indemnities, would be illy to select the means of restoring France to the confidence of a nation, too long accustomed to revere and practise justice ever to forget its demands. Nor could America ever conceive, that protecting from depredations her property which remains had impaired a claim for that of which she has been despoiled. More difficult, still, of comprehension would it be, that she had aggressed by declaring the truth; for, doubtless, declaring that the treaties ceased to bind her, which the other party had long and greatly infracted, was no more. If, however, that declaration, as necessary for judicial purposes as it was conformable to truth, had amounted to a cause of war, yet, as the wisdom of France reconciled it to peace, its application, on the principle of war, to the extinguishment of claims, would be inexplicable. And, even as to war itself, though it does, by its rights, or rather by its usages, enforced against weaker Powers, merge the injuries it operates, it does not cancel obligations prior to its existence. If war had actually commenced, when it is suggested there was cause given, still, how could its rights be seen to extinguish the claims of America, as the mass of her sufferings was at a time when her conduct towards France was remarkable for nothing but the patience with which she endured, and the moderation with which she sought to remove them.

If, in applying the principle or exercising the natural right of self-defence, in a state of things now mutually and equally lamented, certain events have taken place which might be regretted, when considered in connexion with their cause; if these events have been attended with a sensation which the French ministers are pleased to term "eclat," they will have candor enough to admit that this sensibility was natural among men sore by repeated losses, and citizens who had thought their country degraded by her patience and long suffering. A mutual stipulation, however, of restoration or indemnity, will save the honor of both nations, and efface, with the hand of justice, every irritating remembrance.

It is but proper here to remark that, if the action, or notice of it, to which the French ministers plenipotentiary have particularly alluded, be taken in connexion with dates and distances, the American Government cannot be charged with neglecting to avail itself of conciliatory measures.

In a word, while nothing would be more grateful to America than to acquit herself of any just claims of France, nothing could be more vain than an attempt to discover to her reasons for the rejection of her own.

It is time for the two nations to return from a state of things difficult to name, and more difficult to account for, to the correcter views of 1778; to the confidence inspired by co-operating for an object equally interesting to both; to that spirit which disavowed the idea of founding pretensions on exertions; and, finally, to that friendship which knew not the alloy of purchase.

Too much concerned with that epoch not to recollect its professions, and too confident in the wisdom of those professions to despair of their fruits, the American ministers have persevered in efforts for a reconciliation. To remove obstacles interposed, they have developed their views and their doubts with more frankness than effect; to go further, they must take upon themselves a high responsibility.

If, then, the dignity of one party cannot be satisfied without the recognition of former treaties, still less can the interests of the other dispense with a remodification of them.

The 17th article of the commercial treaty, which stipulated an exclusive admission for the privateers and prizes of each in the ports of the other, was but nominally reciprocal, not only because America would seldom be at war, but, also, by reason of the prior engagements of France under the treaty of Utrecht, then in force, and since renewed. The real reciprocity of that article was to be sought for in another, which made free goods in free ships, a stipulation greatly beneficial for the United States, could they have enjoyed it. This stipulation, however, proved inconvenient to France, as appeared from her defeating the use of it so early in the present war, and, for that reason, the undersigned ministers, in their project of a treaty, proposed to give it up, trusting that it would be deemed a full equivalent for abandoning, on the part of France, the first-mentioned privilege stipulated to her.

The American ministers have shown, in their note of the 8th May, that the free admission of privateers is inconvenient to the Uinted States, and the ministers plenipotentiary of France have reasoned, in a note of the 8th Thermidor, and assumed in others, that an exclusive admission of those of one nation compromits their independence. France, then, will not insist on that privilege for herself, exclusively and for ever. She will not embarrass that progress to greatness, which, with so much reason and so much solicitude, she seeks to cherish; nor, least of all, compromit the independence she guaranties. Doubtless, upon a review of this claim, her ministers will be satisfied with the footing of the most favored nation; and as to rights beyond that, will relinquish them gratuitously, or, at most, on terms not difficult to be complied with.

With respect to the 11th article of the treaty of alliance, it has produced mischievous apprehensions, and never can produce an effect which will not contravene its professed design. If France should not discern the utility of relinquishing this article, she will acquiesce in a specification which may render it less incompatible with her policy.

If the American ministers, in attending to the note before them, have avoided retracing the measures of the late French Government, which forced the United States to take the defensive position in which the present negotiation found them; if they have declined to renew former discussions, or have not availed themsevles of the opportunity of commencing others, it is because time has become precious with them, and because, also, they yet think it may be more useful to search for means of healing the breach than for the causes which produced it.

As a further effort on their part to ascertain those means, they make the following propositions, predicated on the adoption of the first alternative in the overture of the French ministers plenipotentiary:

1st. Let it be declared that the former treaties are renewed and confirmed, and shall have the same effect as if no misunderstanding between the two Powers had intervened, except so far as they are derogated from by the present treaty.

2d. It shall be optional with either party to pay to the other, within seven years, 3,000,000 francs, in money, or securities which may be issued for indemnities, and thereby to reduce the rights of the other, as to privateers and prizes, to those of the most favored nation. And, during the said term allowed for option, the right of both parties shall be limited by the line of the most favored nation, 3d. The mutual guarantee in the treaty of alliance shall be so specified and limited that its future obligation shall be, on the part of France, when the United States shall be attacked, to furnish and deliver at her own ports military stores to the amount of 1,000,000 francs, and on the part of the United States, when the French possessions in America in any future war shall be attacked, to furnish and deliver at their own ports a like amount in provisions.

It shall, moreover, be optional for either party to exonerate itself wholly of its obligation, by paying to the other within seven years a gross sum of 5,000,000 francs, in money or such securities as may be issued for indemnities.

4th. The articles of commerce and navigation, except the 17th article of the treaty, shall admit of modifications, reserving for their principle the rights of the most favored nation, where it shall not be otherwise agreed, and be limited in their duration to twelve years.

5th. There shall be a reciprocal stipulation for indemnities, and these indemnities shall be limited to the claims of individuals, and adjusted agreeably to the principles and manner proposed by the American ministers in a project of a treaty heretofore delivered, except when it shall be otherwise agreed; public ships, taken on either side, shall be restored or paid for.

6th. All property seized by either party, and not yet definitively condemned, or which may be seized before the exchange of the ratifications of the present treaty, shall be restored on reasonable, though it should be informal, proof of its belonging to the other, except contraband goods of the United States, destined to an enemy's port: this provision to take effect from the signature of the treaty; and if any condemnation should take place contrary to the intent of this stipulation, before knowledge of the same shall be obtained, the property so condemned shall be paid for without delay.

The ministers of the United States pray the ministers of the French republic to accept the assurance of their high consideration.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

August 24, 1800.

As the French ministers dined to-day with Mr. Ellsworth and Mr. Davie, they were requested to attend a conference after dinner, for the purpose of giving some explanations of the propositions subjoined to their note. Mr. Bonaparte and Mr. Fleurieu, mentioning they had some urgent business at the council, went away, leaving Mr. Rœderer authorized to give any explanation required. After a conversation of some length, during which Mr. Rœderer discovered how unsatisfactory those propositions were to the American ministers, he suggested the following idea for consideration, viz: "that the option contained in the note of the American ministers, to extinguish, by an equivalent of eight millions of francs, certain claims of France under the former treaties, ought to be reciprocal, so that if the offer should be made by either party, the other should be bound to accept it;" saying that this suggestion ought not to be considered official, as his colleagues were not consulted. The next day it was reduced into the form of an article, and shown to Mr. Rœderer, to know whether the principle of his proposition was correctly taken; and upon its being stated to him in the form it was supposed to be made the preceding evening, and upon the aritcle being translated, he admitted that he was correctly understood; and then delivered another proposition, which he said had been approved by the Minister of Exterior Relations, to the following effect:

"If, in the space of seven years, the re-establishment of the 17th and 22d articles, in their full force, be not offered, there shall be no further time allowed for the payment of the indemnities liquidated by the commissioners; and if the re-establishment of the 17th and 22d articles in their plenitude be offered within the space of seven years, France shall have the option between this re-establishment or an indemnity of eight millions, to be paid to her in specie or orders given for the payment of indemnities liquidated by the commissioners."

Nota.—(*Said to be added by the Minister of Exterior Relations.*)—"It is understood, and it shall be stipulated, in conformity to a note of the American ministers, that the privileges of prizes being abolished, as well for France as for England, at the expiration of the treaty, neither America nor France shall give them to any one Power."

August 29. The American ministers intended to avail themselves of another conference to-day with the French ministers, but the president of the French commission and Mr. Rœderer had gone into the country on the 27th, and were not returned this morning; therefore, with the expectation of attracting the earliest attention of the ministers to the business of the negotiation, the following note was addressed to them and sent to Mr. Fleurieu.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of the French Republic, to Messrs. Ellsworth, Davie, and Murray, dated Paris, Fructidor 7th, and 8th of the French Republic, (25th August, 1800.)

[TRANSLATION.]

The ministers plenipotentiary of the French republic have received the note which the ministers plenipotentiary of the United States did them the honor to address them on the 2d of the present month.

They have not been able to consider the proposals which accompany it, as bearing upon the first part of the alternative proposed. Indeed, the first of the propositions upon which they have offered the choice, was, that the United States admit explicitly the treaties entered into with France, with all the advantages of priority attached to their date. In the last conference, which took place on the 25th Thermidor last, it was clearly understood, and even reduced to writing, that this first part of the alternative essentially did away with all idea of a modification operating upon any one of the points of controversy in the negotiation, and especially relative to the privileges secured to the French nation in relatien to other Powers. The note, however, of the American ministers proposes an essential modification of the 17th article; it is therefore evident that this note refers to the second part of the alternative, which consisted of an offer of a new treaty without indemnity. The French ministers can therefore insist upon the condition that all stipulation for indemnities be laid aside. France, however, will give to the United States a new proof of her amicable intentions, by consenting at once to the modification of her treaties, and to the principle of indemnities, as expressed in the note herein added, from which the United States will evidently perceive the desire to effect a prompt and entire adjustment.

The ministers of the French republic have the honor of tendering to the ministers of the United States the assurance of their distinguished consideration.

J. BONAPARTE.
C. P. CLARET FLEURIEU.
RŒDERER.

1st. The ancient treaties shall be continued and confirmed, to have their full force, as if no misunderstanding between the two nations had ever occurred.

2d. Commissioners shall be appointed to liquidate the respective losses.

3d. The 17th article of the treaty of commerce of 1778 shall be continued in full force, with a single addition. Immediately after these words, to wit: "And, on the contrary, no shelter or refuge shall be given in their ports or harbors to such as shall have made prize of the subjects of his Majesty, or of the citizens of the United States," there shall be added: "if it be not in virtue of known treaties, on the day of the signature of the present, and subsequent to the treaty of 1778, and that for the space of seven years." The 22d article subject to the same reservation as the 17th article.

4th. If, during the term of seven years, the proposal to establish the 17th and 22d articles be not made and accepted without reserve, the award for indemnities determined by the commissioners shall not be allowed.

5th. The guarantee stipulated by the treaty of alliance shall be converted into a grant of succor for two millions. But this grant shall not be redeemable unless by a capital of ten millions.

J. BONAPARTE.
C. P. CLARET FLEURIEU.
RŒDERER.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States to France, to the Ministers Plenipotentiary of the French Republic, dated

Paris, *August* 29, 1800, (*7 o'clock, P. M.*)

Citizen Ministers: The envoys of the United States have given the most serious attention to the note and the propositions enclosed which the ministers plenipotentiary of the French republic did them the honor to address to them, under date of 7th Fructidor; and they regret that they have not been able to consider those propositions in the light they are presented by the French ministers, as connecting the justice of indemnity with a benefical modification of the treaties.

The third and fourth propositions leave it optional with France to reject indemnities, while they secure to her, unconditionally, the treaty of commerce, with a minute exception, which is so limited by time and other circumstances as to render it of little consideration with either party. With respect to the other treaty, the option to reject indemnities produces no effect whatever; its inconveniences are only to be avoided by a purchase of ten millions: so that, by these propositions, indemnities may be sacrificed and the treaties remain recognised and confirmed a measure which, in its operation, would be a complete departure from the principle proposed as the bases of negotiation by the French ministers and the abandonment of an object to which the American ministers are bound to adhere, and upon which their sentiments have never varied.

As to the fifth proposition, it is rendered inadmissible only by an augmentation of the sums proposed by the undersigned ministers to extinguish the right of France under the mutual guarantee—a right, indeed, which, if France ever placed a value upon, she must have long since discerned that the abolition of it had become as essential to her interests as to those of the nation which she wishes not to embarrass. Confidently was it presumed by the American ministers that, in the equivalent for that right offered by them, there would be seen a liberal regard to the honor of the French republic, and a still further proof of that desire which has so much sought to facilitate to her an adjustment of existing differences.

The ministers plenipotentiary of the United States having exhausted their efforts to discover, by a spirit of justice and accommodation, the means of accomplishing the desires and realizing the views of both nations, can only now hope to avail themselves of the better directed efforts of the ministers plenipotentiary with whom they have the honor to treat.

The American ministers, willing to profit even of suggestions, remark that, in a late conference, which respected as well their note of the 20th of the present month as that of the French ministers plenipotentiary of the 7th Fructidor, it was suggested by one of the latter (though not officially, or as a matter upon which the sense of his colleagues had been taken) that the option contained in the first-mentioned note, to extinguish, by an equivalent of eight millions of francs, certain claims of France under the former treaties, ought to be reciprocal, so that if the offer should be made by either party the other should accept it. That principle, if reduced to a form proper to give it effect, it is conceived, would be expressed as follows, viz:

If the United States shall, at any time within seven years from the exchange of the ratifications of the present treaty, offer to the French republic an article of the tenor following, viz:

"It is agreed that the United States shall pay to the French republic, within seven years from the day of exchanging the ratifications of the treaty of ——, eight millions of francs, in money or such securities as have been or may be issued to the citizens of the United States, for indemnities under the said treaty, together with interest hereafter at the rate of —— per centum per annum, until the principal shall be discharged. And that, as a consideration of such engagements, the United States shall for ever be exonerated of the obligation, on their part, to furnish succors or aid under the mutual guarantee of the 11th article of the treaty of alliance of the 6th of February, 1778; and the rights of the French republic, under the 17th and 22d articles of the treaty of amity and commerce of the same date, shall be for ever limited to such as the most favored nation shall in these respects enjoy"—

The French republic will accept the same; or if the French republic shall, at any time within that term, offer such an article, the United States will accept the same. And, in either case, the article so offered shall become part of the present treaty.

To such a stipulation, in connexion with the first, fourth, fifth, and sixth propositions offered by the American envoys in their note of the 20th of the present month, they would agree, so great is their desire to terminate, without further loss of time, the present negotiation.

They pray the ministers plenipotentiary of the French republic to accept assurances of their high consideration.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of France, to Messrs. Ellsworth, Davie, and Murray, dated

Paris, 17*th Fructidor, an* 8,
(4*th September*, 1800.)

[translation.]

To the Ministers Plenipotentiary of the United States at Paris.

We shall have the right to take our prizes into the ports of America.

A commission shall regulate the indemnities which either of the two nations may owe to the citizens of the other.

The indemnities which shall be due by France to the citizens of the United States shall be paid for by the United States; and, in return for which, France yields the exclusive privilege resulting from the 17th and 22d articles of the treaty of commerce, and from the rights of guarantee of the 11th article of the treaty of alliance.

BONAPARTE.
C. P. CLARET FLEURIEU.
RŒDERER.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

Paris, *September* 5, 1800.

Mr. Rœderer delivered, at the same time, a paper, unsigned, containing the following observations:

The ministers of the United States appear to have mistaken the sense of the last note of the French ministers. They imagine that the indemnities may be sacrificed by the propositions of the 7th Fructidor, and the treaties, notwithstanding, remain completely acknowledged and confirmed. It has always been the intention of the ministers of France to reserve to her the right of choice between the restoration of her privileges and the payments of indemnities which may be brought against her; so that they have never supposed that she would enjoy privileges without the payment of indemnities, or could pay indemnities without the enjoyment of privileges."

The American ministers have also misunderstood the private observations of one of the French ministers.

Their sole object was to show that, during the term of seven years, France should possess (agreeably even to the plan of the ministers of the United States) the right to choose between the re-establishment of the privileges resulting from the 17th and 22d articles of the treaty of commerce, and a sum of at least eight millions; since France regards those privileges as an advantage peculiar to her, and for the abandonment of which she may stipulate as she deems proper.

To avoid the uncertainty which might arise from such a stipulation, hastily reduced to a diplomatic style, the ministers of France have offered anew a naked draught of their final determination; and they observe, that if the American ministers agree to the substance of the note, they may settle the form of it in concert with the French ministers, and even modify the means of arriving at the same end.

September 6th.—The American ministers, being unanimous in the opinion that they could not accede to the propositions under date of the 17th Fructidor, agreed to offer the following articles as the basis of negotiation, and as predicated upon the original overtures of the French ministers, referring only the determination of the question respecting the treaties and indemnities to the American Government, and postponing that determination no longer than the time of ratification.

For the Ministers Plenipotentiary of the French Republic:

The American ministers consider the propositions received from the ministers plenipotentiary of France, yesterday, under date of the 17th Fructidor, as altogether inadmissible. The nearest approach to them which the American ministers can make, is—

1st. The former treaties shall be renewed and confirmed.

2d. The obligations of the guarantee shall be specified and limited, as in the first paragraph of their third proposition of the 20th of August.

3d. There shall be mutual indemnities, and a mutual restoration of captured property not yet definitely condemned, according to their fifth and sixth propositions of that date.

4th. If, after the exchange of ratifications, the United States shall propose a mutual relinquishment of indemnities, the French republic will agree to the same; and, in such case, the former treaties shall not be deemed obligatory, except that, under the 17th and 22d articles of that of commerce, the parties shall continue for ever to have, for their public ships of war, privateers, and prizes, such privileges in the ports of each other as the most favored nation shall enjoy.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Messrs. Ellsworth, Davie, and Murray, to the French Ministers Plenipotentiary, dated

September 7, 1800.

To the Ministers Plenipotentiary of the French Republic:

The envoys of the United States request the honor of an interview with the ministers plenipotentiary of the French republic to-morrow, at 12 o'clock, at such place as may be convenient to them, in order to learn whether the note of the undersigned, of the 6th of the present month, can serve as the basis of a treaty; or, if not, whether any further overtures are to be expected on the part of France.

They pray the ministers plenipotentiary of the French republic to accept the assurances of their high consideration.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

September 12, 1800.

The American ministers met this morning to settle the mode of conducting the expected conference, and resolved to press their last propositions to the utmost, and if the French ministers should finally disagree to them, without offering any admissible substitute, then, in that case, to offer the written proposition delivered by Mr. Rœderer, on the 26th of August, in two forms, one connecting the 11th article of the treaty of alliance with the 22d and 17th of that of amity and commerce, in the option of an equivalent; the other pursuing strictly the original proposition, but connecting it with a modification of the guarantee. Some remarks were also prepared with respect to the operation and effect of a guarantee in the form of the 11th article, it being the object of the American ministers to discuss the business fully, and, if possible, to press it to a determination.

The French ministers attended at the hour appointed, and the propositions of the 6th of September were taken up and considered, article by article. The 1st and 3d were agreed to, with some modification of the 3d as to rules of evidence, which did not vary its principle. The 2d and 4th were considered together, as in some measure connected; and, after considerable discussion, the French ministers said they were determined not to accede to these, unless an option, perfectly similar and reciprocal, was assured to the French republic, the operation of which enabled her to get rid of the indemnities by an offer of abandoning the exclusive privileges. They now openly avowed that their real object was to avoid, by every means, any engagement to pay indemnities; giving us, as one reason, the utter inability of France to pay, in the situation in which she would be left by the present war. The subject of the modification of the guarantee was now particularly pressed in the manner agreed. The conversation on this subject closed by a declaration of the president of the French commission, that such a modification could not be acceded to without new instructions; that they had no powers to assent to such a stipulation; but that, if the Government should think proper to instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding, that, if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the present state of things was *war* on the side of America, and that no indemnities could be claimed. The other two commissioners made similar declarations.

The American ministers retired a few minutes, and agreed that it was now clearly in vain to make any further attempts on this ground; and, of course, useless to bring forward the proposition of Mr. Rœderer in any form.

The conference was therefore closed by the American ministers' requesting a written answer to the note of the 6th of September.

Reflections of the American Ministers on their overture respecting the guarantee delivered to the French Ministers at their conference on the 12th day of September.

Adopting the universality of modern practice as a rule of exposition, a guarantee which omits to stipulate specific succors does not contemplate any to be furnished, and is only, on the part of the guarantor, a renunciation of interfering claims, an engagement not to countenance or admit such claims in favor of a third Power, and generally an assurance of good offices for the security of the object guarantied, which shall not be onerous to himself.

If, however, the guarantee between France and the United States did, in fact, contemplate succors, they must have been principally for the latter, who might need them, rather than for the former, who was evidently competent to protect herself. And the mutuality of the obligation to succor could have been intended for little more than to save appearances.

Again, if the ability to furnish succors was to be the measure of them, and if they were contemplated at all, there could have been no other measure; much less must have been expected from the scattered agriculturists of a new country than from a nation habitually prepared for war, and one of the most powerful in Europe.

The American ministers, however, have proposed not only to render the guarantee specific, but to render the succors equal, and that without taking into the account that France will frequently receive, and but seldom have occasion to furnish them. Their offer, it is presumed, in the view of the subject here given, will be sufficiently appreciated. The French ministers will see in this proposition only those motives of liberal policy, and that sincere spirit of accommodation, which have continually actuated the United States towards France, there being no circumstance in the present juncture that would dictate a sacrifice to that object of their convenience or their interests, and nothing in the perspective of the future from which they might augur such a necessity. And the American ministers presume that France will not raise new osbtacles to the progress of the negotiation, by placing a high and unexpected value upon what she really placed none heretofore; it would accord neither with her accustomed magnanimity, nor that conciliatory policy towards the United States which she professes to pursue.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated September 13, 1800.

The American ministers being now convinced that the door was perfectly closed against all hope of obtaining indemnities, with any modifications of the treaties, it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a temporary arrangement, which would extricate the United States from the war, or that peculiar state of hostility in which they are at present involved; save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of captures during the present war.

After mature deliberation, the American ministers resolved to make the overture contained in the following note, which was sent to the commissioners of the French republic the same day.

Extract from the journal of Messrs. Ellsworth, Davie, and Murray, dated

Paris, *September* 13, 1800.

The Envoys Extraordinary and Ministers Plenipotentiary of the United States of America to the Ministers Plenipotentiary of the French Republic.

The undersigned had the honor of receiving the note of the French ministers of the 26th Fructidor (13th September) yesterday.

The discussion of former treaties, and of indemnities, being for the present closed, it must, of course, be postponed till it can be resumed with fewer embarrassments.

It remains only to consider the expediency of a temporary arrangement. Should such an arrangement comport with the views of France, the following principles are offered as the basis of it:

1st. The ministers plenipotentiary of the respective parties not being able at present to agree respecting the former treaties and indemnities, the parties will, in due and convenient time, further treat on those subjects; and until they shall have agreed respecting the same, the said treaties shall have no operation. In the mean time,

2d. The parties shall abstain from all unfriendly acts; their commercial intercourse shall be free, and debts shall be recoverable in the same manner as if no misunderstanding had intervened.

3d. Property captured, and not yet definitely condemned, or which may be captured before the exchange of ratifications, shall be mutually restored. Proofs of ownership to be specified in the convention.

4th. Some provisional regulations shall be made to prevent abuses and disputes that may arise out of future cases of capture.

The ministers of the United States request the honor of an early interview, at such time and place as may be convenient to the ministers plenipotentiary of the French republic, and offer them the assurances of their consideration.

O. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Extract from the Journal—September 19.

A conference was held to-day with the French ministers, at the opening of which they delivered the following articles as a kind of counter-projêt.

Then follows the note of Messrs. Rœderer and Fleurieu, dated Paris, 2d Complementaire, an 8.

Messrs. Bonaparte, Fleurieu, and Rœderer, Ministers Plenipotentiary of France, to Messrs. Ellsworth, Davie, and Murray, dated

Paris, *26th Fructidor, an* 8—(*Sept.* 14, 1800.)

[Translation.]

The French ministers cannot recede from the modifications they have had the honor to propose verbally, yesterday, to the American ministers on their note of September 6th, (19th Fructidor.) They firmly adhere to these principles:

1st. That a stipulation of indemnities carries with it the full and entire admission of the treaties; and,

2d. That the relinquishment of the advantages and privileges stipulated by the treaties, by means of the reciprocal relinquishment of indemnities, would prove to be the most advantageous arrangement, and, also, the most honorable to the two nations.

Departing from these principles, the French ministers persist in the verbal declarations which they made in the conference of yesterday. They therefore proceed to express themselves on each of the articles of the proposition to the American ministers:

1st. The ancient treaties shall be acknowledged and confirmed.

2d. The obligations of guarantee shall be specified and limited as in the first paragraph of their 3d proposition of the 20th of August.

3d. There shall exist mutual indemnities, and a reciprocal restitution of captured property which shall not have been decided upon, in conformity to their 1st and 6th propositions of the same date.

4th. If, at the exchange of ratifications, the United States propose the reciprocal relinquishment of indemnities, the French republic will admit this proposition, and, in this case, the ancient treaties will not be looked upon as obligatory, except, under the 17th and 22d articles of the treaty of commerce, the parties shall continue to extend to their ships of war, privateers, and prizes, in their respective ports, the privileges possessed by the most favored nation.

Note of the 6th of September.

They accede to the proposition of the first article.

The second cannot be admitted, unless the 4th article give to the French republic the assurance that if she propose to the United States the reciprocal relinquishment of indemnities, this proposition will be accepted, notwithstanding the relinquishment of the right of guarantee, setting aside the treaty of alliance and the privileges resulting from the 17th and the 22d articles of the treaty of commerce. If the 4th article do not contain this stipulation, neither can this 4th article nor the 2d article be admitted.

The 3d seems to require some explanation.

The French ministers are of opinion—

1st. That the regulation of indemnities for prizes captured, and which shall have been condemned at the time of the signing of the treaty, shall apply to individuals.

2d. That the vessels or national ships taken shall be respectively restored or paid for.

3d. That prizes captured from individuals, and not tried at the time of the signature of the treaty, shall be tried according to the provisions of the treaty of 1778, by the most exact interpretation thereof that can be properly given.

The 4th article is inadmissible, as has been before observed, unless it offer to France the same right as the United States, and unless it maintain the ancient treaties, with the exception of the obligation of guarantee and of privileges.

To fulfil this object, and to confirm the 2d article, the 4th article must be expressed in these terms, or others of equal force:

"If, at the exchange of ratifications, the United States offer to the French republic, or if the French republic offer to the United States, the reciprocal relinquishment of indemnities, this proposition shall be accepted, and, in this case, the obligation of guarantee arising out of the 11th article of the treaty of alliance, and the privileges resulting from the 17th and 22d articles of the treaty of commerce, shall be reduced to the privileges which the most favored nation may enjoy,"

J. BONAPARTE.
C. P. CLARET FLEURIEU.
RŒDERER.

Paris, 2 *Complementaire, year* 8.

[translation.]

The French and American ministers having admitted, at the close of repeated discussions, that they could not then either agree upon the interpretation of the 11th article of the treaty of alliance, and of the 17th and 22d of the treaty of commerce of 1778, or upon the reciprocal indemnities that may arise out of the capture of prizes from individuals of both nations, have agreed upon what follows:

Article 1. The parties put off to another time the discussion of indemnities and of the above three articles of the treaties of 1778, which treaties are, moreover, acknowledged and confirmed by these presents as well as the consular convention of 1788.

Art. 2. The ships of the two nations, and their privateers, accompanied by their prizes, shall be treated in the respective ports as those of the most favored nation.

Art. 3. National ships shall be restored or paid for.

Art. 4. The property of individuals not yet tried, shall be so, according to the treaty of amity and commerce of 1778, in consequence of which a rôle d'équipage shall not be exacted, nor any other proof which this treaty could not exact.

C. P. C. FLEURIEU.
RŒDERER.

Extracts from the journal of Messrs. Ellsworth, Davie, and Murray.

September, 24, 1800.

These articles were discussed, with the corresponding articles, in the propositions of the American ministers of the 13th of September; and it was agreed to meet, from day to day, until the business was finished.

The following note was received from the Secretary of the French legation:

4th Complementaire, an 8.

Mr. Pichon's compliments to Messrs. Davie and Ellsworth, and sends to them, herewith enclosed, copies of the articles settled. Mr. P. has it in charge from the French ministers to desire the American envoys, if they see no impropriety, to communicate what they intend to propose further on the fourth principle of the note, in order that the French ministers may look to it until the next conference, and that the debates, after dinner, may be the shorter.

If the American ministers have no objection to this, and they are pleased to forward the articles to Mr. Pichon, he will translate and communicate them to the French minister, so that time may be spared, and business as much as possible forwarded.

September 22.

The American ministers present their compliments to Mr. Pichon, and readily comply with the proposal in his obliging note of yesterday.

They will bring forward, as details, under their fourth proposition, the 21st, 22d, 23d, 24th, 25th, 26th, and 28th articles of their former project, with some variation of the 22d and 23d, to adapt them to principles already agreed on. These articles, it is presumed, cannot occupy much time, as they have been so long in the hands of the French ministers, as they are principally drawn from the treaty of '78, and are only varied or enlarged to prevent a repetition of abuses and misunderstanding. It will also be proposed to add to the 24th the following clause:

"Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer who shall conduct the convoy;" principally with a view to check West India privateers, till your Government shall be able to reduce them to obedience.

September 23.

The American ministers present their compliments to Mr. Pichon, and now send, agreeably to his request, the 23d article of their former project, varied agreeably to the intimation given in their note to him of yesterday. He will have the goodness to present the article to the French ministers for their examination. It accommodates their views to subject enemy goods in free bottoms, as soon after the ratification as papers can be furnished requisite to prevent great embarrassments. It concedes the principle they desire, while it so regulates the exercise of that principle as to render it less distressing to neutral commerce, and, of course, less injurious to France.

And, that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that, when one party shall be engaged in war, and the other party be neuter, the ships of the neutral party, that is, such of them as have already left, or which, prior to the first day of May next, may leave the ports of the nation to which they belong, shall be furnished with passports similar to those described in the article, that it may appear thereby that the ships really belong to the citizens of the neutral party. They shall be valid for any number of voyages, but shall be recalled every year, that is, if the ship should return home within the space of a year. Such ships, being laden, are to be provided not only with passports, as above mentioned, but also with certificates similar to those described in the same article, that so it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, he shall, notwithstanding, be at liberty to proceed on his voyage, unless the quantity of the contraband goods shall be greater than can be conveniently received on board the ships of war or privateer, in which case the ship may be carried into port for the delivery of the same.

With respect to ships which shall leave the ports of the nation to which they belong after the last day of April next, they shall be furnished with passports, as above mentioned; and, if laden, shall be furnished with like certificates, as before mentioned, excepting that the certificates shall also express to whom the cargo belongs, and of what nation, State, or Prince, the owner is a citizen or subject, that so it may be known if there are contraband or enemy goods on board.

If any ship, in the predicament first above mentioned, shall not be furnished with such passports and certificates as is above required for the same, such case may be examined by a proper judge or tribunal; and if it shall be found from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage. And if any ship, in the second predicament above mentioned, shall not be furnished with such passports and certificates as is above required for the same, such case may be examined by a proper judge or tribunal; and if it shall be found from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens of the neutral party, the same shall not be confiscated, but shall be released, with her cargo, (contraband goods and such as shall be found to be enemy goods excepted,) and be permitted to proceed on her voyage. The business was now conducted by conference, from day to day, until the 30th of September, when the convention was finished, under the title of a "provisional treaty."

Extract from the journal of Messrs. Ellsworth, Davie, and Murray.

The American ministers finally, but with great reluctance, agreed to the signing in the form of the treaty of '78, and it was executed accordingly, dated October 2d, [1800.] The French ministers called this morning with the treaties, proposing some alterations with regard to the style of the French republic, and that the word "provisional" should be stricken out in the name or description of the treaty. The American ministers availed themselves of this opportunity to resume their opposition to the admission in favor of the French language, and consented to the proposed alterations respecting the style of the French Government, and offered to change the term "provisional treaty" for that of convention, on the condition that that part of the treaty which respected the French language was stricken out, agreeing, at the same time, that a clause might be inserted saving the right of both nations, to which the French ministers acceded, without any further discussion.

October 3.—Six copies being now prepared, as agreed to be amended, they were signed and sealed under the former date, of the 30th of September, (9 Vendemiaire;) two copies were retained by the French commissioners, two were left with Mr. Murray, and the other two were taken in charge by Mr. Ellsworth and Mr. Davie.

OLIV. ELLSWORTH.
W. R. DAVIE.
W. V. MURRAY.

Extract of a letter from Mr. Murray, Envoy Extraordinary and Minister Plenipotentiary of the United States to the French Republic, to Mr. Marshall, Secretary of State of the United States, dated

Paris, *October* 1, 1800.

This will go by my colleagues, Mr. Ellsworth and Mr. Davie, who probably will leave Paris in two days. They will inform you of the whole history of the negotiation, which terminated last night in the signature of a provisional treaty of amity and commerce. We were all profoundly convinced that, considering the relations of the two countries, politically, the nature of our demands, the present state of France, and the state of things in Europe, it was our duty, and for the honor and interest of the Government and people of the United States, that we should agree to that treaty, rather than make none.

As the copy of our journal was not completely ready, I have requested Mr. Davie to do me the favor of signing it with my name for me.

Journal of Messrs. Ellsworth, Davie, and Murray, written in the form of a letter, addressed to Mr. Marshall, Secretary of State of the United States, dated

Paris, *October* 4, 1800.

Sir: The undersigned have the honor to present to you a journal of their proceedings, and a convention in which those proceedings have terminated.

The claim of indemnities brought forward by them was, early in the negotiation, connected by the French ministers with that of a restoration of treaties, for the infractions of which the indemnities were principally claimed. To obviate this embarrassment, which it had not been difficult to foresee, the American ministers urged, in the spirit of their instructions, that, those treaties having been violated by one party and renounced by the other, a priority had attached in favor of the treaty with Great Britain, who had thereby acquired an exclusive right for the introduction of prizes; wherefore, that right could not be restored to France.

The argument was pressed, both by notes and in conferences, as long as there remained a hope of its utility, and until there appeared no alternative but to abandon indemnities, or, as a mean of saving them, to renew, at least partially, the treaty of commerce. Whether in fact it could or could not be renewed consistently with good faith, then became a question for thorough investigation, in the course of which the following considerations occurred:

1st. It is not a breach of faith to form a treaty with one nation inconsistent with an existing treaty with another, it being well understood that the prior treaty prevails, and has the same operation as if the subsequent one were not formed; nor is it necessary or usual for a subsequent to make an express saving of the rights of a prior treaty, the law of nations having made that saving as complete and effectual as it can be rendered. This rule of construction holds universally, except where the subsequent treaty can have no operation but by violating the first; in which case it will be taken for an agreement to come to a rupture with the Power with whom the first was formed.

2d. Indeed, by a clause in the 25th article of the British treaty, it is provided "that, while the parties continue in amity, neither of them will in future make any treaty that shall be inconsistent with that or the preceding article;" which articles contain, among other things, the exclusive right of introducing prizes into the ports of each other. If, however, the British be considered in the light of a prior treaty, as it must be to raise a doubt, all its rights, as well those of a restrictive nature as others, would be saved, of course, and none of them would, at any time or in any degree, be affected by the subsequent stipulation. The subsequent stipulation, in the case supposed, although it should give, in general terms, the right of introducing prizes, would be understood with a limitation that it was never to extend to a case in which Great Britain should be the enemy.

3d. The instructions to the American ministers authorized a renewal of the 17th article of the treaty of commerce, if it should be necessary, though with a special saving for two articles of the British treaty. That special saving, however, cannot be material, as the settled rule of construction would, without it, make a saving still more comprehensive.

4th. The renewal of the 17th article of the commercial treaty is not conceived to be within the expression or design of the restraining clause of the British treaty, "not in future to make any treaty that shall be inconsistent with," &c. To recognise a pre-existing treaty which contains a stipulation inconsistent with, &c., is not to make a new or future treaty containing such stipulation. To recognise the former treaties would be only to preserve or restore the state of things existing when the British treaty was formed, and not to introduce a new state of things, which was, doubtless, the event intended to be guarded against. It would be only to do what is usually done in the termination of misunderstandings. We are not to presume, and much less is it expressed, that the United States and Great Britain meant to deprive themselves of the usual means of terminating national contests in which they might be involved. And the facility of terminating misunderstandings by restoring things to their former condition is not only so great, but so conformable to justice and so favorable to general tranquillity, that the law of nations will not favor a construction which goes to deprive a contracting party of the benefit of it.

5th. The language in which pre-existing treaties are usually recognised at the close of a war does not import that the treaties have, in fact, ceased to exist, but rather that the causes which suspended their operation have ceased; and in various instances such treaties are counted upon as becoming again operative, without any express provision to render them so.

6th. Nor is it conceived that the treaties between the United States and France have undergone a more nullifying operation than the condition of war necessarily imposes. Doubtless the congressional act authorizing the reduction of French cruisers by force was an authorization of war, limited, indeed, in its extent, but not in its nature. Clearly, also, their subsequent act, declaring that the treaties had ceased to be obligatory, however proper it might be for the removal of doubts, was but declaratory of the actual state of things. And certainly it was only from an exercise of the constitutional prerogative of declaring war that either of them derived validity; so that the treaties in question, having had only the usual inoperation, might, without a breach of faith, have the usual recognition.

7th. As far as the opinion of Great Britain goes, there would be no difficulty in recognising a treaty which gives to France an exclusive right to introduce prizes into the ports of the United States; because she, by a project of a treaty of peace, drawn up at her own court, in 1792, and offered by Lord Malmsbury to the French plenipotentiaries, proposed to give to France such exclusive right in the British ports; that is, the project renewed the treaties of Paris of 1763 and of 1783, both of which renewed the commercial treaty of Utrecht of 1713, which contained such a stipulation.

The foregoing considerations induced the undersigned to be unanimously of the opinion that any part of the former treaties might be renewed, consistently with good faith.

They then offered a renewal, with limitations of the 17th article of the commercial treaty, which, without compromitting the interests of the United States, would have given to France what her ministers had particularly insisted on as essential to her honor, and what they had given reason to expect would be deemed satisfactory. The overture, however, finally produced no other effect than to enlarge the demand of the French ministers from a partial to a total renewal of the treaties, which brought the negotiation a second time to a stand.

The American ministers, however, after a deliberation of some days, the progress of events in Europe continuing in the mean time to grow more unfavorable to their success, made an ulterior advance, going the whole length of what had been last insisted on. They offered an unlimited recognition of the former treaties, though accompanied with a provision to extinguish such privileges claimed under them as were detrimental to the United States, by a pecuniary equivalent, to be made out of the indemnities which should be awarded to American citizens—a compensation which, though it might have cancelled but a small portion of the indemnities, was, nevertheless, a liberal one for privileges which the French ministers had often admitted to be of little use to France, under the construction which the American Government had gived to the treaties.

This offer, though it covered the avowed objects of the French Government, secured an engagement to pay indemnities, as well as the power to extinguish the obnoxious parts of the treaties. To avoid any engagement of this kind, the French ministers now made an entire departure from the principles upon which the negotiation had proceeded for some time, and resumed the simple, unqualified ground of their overture of the 23d Thermidor, declaring that it was indispensable to the granting of indemnities, not only that the treaties should have an unqualified recognition, but that their future operation should not be varied in any particular for any consideration or compensation whatever. In short, they thought it proper to add, what was quite unnecessary, that their real object was to avoid indemnities, and that it was not in the power of France to pay them.

No time was requisite for the American ministers to intimate that it had become useless to pursue the negotiation any further.

It accorded as little with their views as with their instructions to subject their country perpetually to the mischievous effects of those treaties, in order to obtain a promise of indemnity at a remote period—a promise which might as easily prove delusive, as it would reluctantly be made; especially as, under the guarantee of the treaty of alliance, the United States might be immediately called upon for succors which, if not furnished, would of itself be a sufficient pretext to render abortive the hope of indemnity.

It only remained for the undersigned to quit France, leaving the United States involved in a contest, and, according to appearances, soon alone in a contest, which it might be as difficult for them to relinquish with honor as to pursue with a prospect of advantage; or else to propose a temporary arrangement, reserving for a definitive adjustment points which could not then be satisfactorily settled, and providing, in the mean time, against a state of things of which neither party could profit. They elected the latter; and the result has been the signature of a convention.

Of property not yet definitively condemned, which the 4th article respects, there are more than forty ships and cargoes, and a number of them of great value, at present pending for decision before the council of prizes, and many others are, doubtless, in a condition to be brought there, if the claimants shall think fit.

Guards against future abuses are perhaps as well provided as they can be by stipulations. The article respecting convoys may be of use in the West Indies, till it shall be more in the power of the French Government than it is at present to reduce the corsairs in that quarter to obedience.

As to the article which places French privateers and prizes on the footing of those of the most favored nations, it was inserted as drawn by the French ministers, without any discussion of the extent of its operation; the American ministers having, in former stages of the negotiation, repeatedly and uniformly declared, agreeably to the rule of construction settled by the law of nations, that no stipulation of that kind could have effect as against the British treaty, unless the stipulation were derived from the former treaties, which it is here expressly agreed shall have no operation whatever. This article, however, is less consequential, as it will soon be in the power of the United States, and doubtless also within their wisdom, to refuse to the privateers and prizes of any nation an asylum beyond what the rights of humanity require.

If with the simple plea of right, unaccompanied with the menaces of power, and unaided by events either in Europe or America, less is at present obtained than justice requires, or than the policy of France should have granted, the undersigned trust that the sincerity and patience of their efforts to obtain all that their country had a right to demand will not be drawn in question.

We have the honor to be, sir, with high respect, your most obedient,

OLIVER ELLSWORTH.
WM. R. DAVIE.
WM. V. MURRAY.

The Hon. John Marshall, *Secretary of State.*

Extracts from the Convention for terminating certain differences between the United States and the French Republic, concluded the 30th September, 1800.

Art. 2. The ministers plenipotentiary of the two parties not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th November, 1788, nor upon the indemnities mutually due or claimed, the parties will negotiate further on these subjects at a convenient time, and, until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated as follows:

Art. 3. The public ships which have been taken on one part and the other, or which may be taken before the exchange of ratifications, shall be restored.

Art. 4. Property captured, and not yet definitively condemned, or which may be captured before the exchange of ratifications, (contraband goods destined to an enemy's port excepted,) shall be mutually restored on the following proofs of ownership, viz: The proof on both sides with respect to merchant ships, whether armed or unarmed, shall be a passport in the form following:

"*To all who shall see these presents,* greeting:

"It is hereby made known that leave and permission has been given to ——— ———, master and commander of the ship called ———, of the town of ———, burden ——— tons, or thereabouts, lying at present in the port and haven of ———, and bound for ———, and laden with ———, after that his ship has been visited, and before sailing, he shall make oath before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of ———. The act whereof shall be put at the end of these presents, as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter in the proper office a list, signed and witnessed, containing the names and surnames, the places of birth and abode, of the crew of his ship, and of all who shall embark on board her; whom he shall not take on board without the knowledge and permission of the officers of the marine; and in every port or haven where he shall enter with his ship he shall show this present leave to the officers and judges of the marine, and shall give a faithful account to them of what passed and was done during his voyage; and he shall carry the colors, arms, and ensigns, of the [French republic or the United States] during his voyage. In witness whereof, we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by ——— ———, at ———, the ——— day of ———, anno domini ———."

And this passport will be sufficient, without any other paper, any ordinance to the contrary notwithstanding; which passport shall not be deemed requisite to have been renewed or recalled, whatever number of voyages the said ship may have made, unless she shall have returned home within the space of a year. Proof with respect to the cargoes shall be certificates, containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that the forbidden and contraband goods may be distinguished by the certificates; which certificates shall have been made out by the officers of the place whence the ship set sail, in the accustomed form of the country. And if such passport or certificates, or both, shall have been destroyed by accident, or taken away by force, their deficiency may be supplied by such other proofs of ownership as are admissible by the general usage of nations. Proof with respect to other than merchant ships shall be the commission they bear.

This article shall take effect from the date of the signature of the present convention. And if, from the date of the said signature, any property shall be condemned contrary to the intent of the said convention, before the knowledge of this stipulation shall be obtained, the property so condemned shall, without delay, be restored or paid for.

Art. 5. The debts contracted by one of the two nations with individuals of the other, or by the individuals of one with the individuals of the other, shall be paid, or the payment may be prosecuted in the same manner as if there had been no misunderstanding between the two States. But this clause shall not extend to indemnities claimed on account of captures or confiscations.

Ratification of the Convention of the 30th June, 1800.

And whereas the Senate of the United States did, by their resolution, on the third day of this present month of February, two-thirds of the Senators then present concurring, consent to and advise the ratification of the said convention: Provided the second article be expunged, and that the following article be added or inserted: "It is agreed that the present convention shall be in force for the term of eight years from the time of the exchange of the ratifications."

Now, therefore, I, John Adams, President of the United States of America, having seen and considered the convention and additional article above recited, do, in pursuance of the aforesaid advice and consent of the Senate of the said United States, by these presents accept, ratify, and confirm, the said convention and additional article, and every clause and article thereof, as the same are hereinbefore set forth, saving and excepting the second article of the said convention, which I hereby declare to be expunged, and of no force or validity. And I do moreover hereby declare that the said convention, saving the second article, as aforesaid, and the said additional article, form together one instrument, and are a convention between the United States of America and the French republic, made by the President of the United States, by and with the advice and consent of the Senate thereof.

[L. S.] In testimony whereof, I have caused the seal of the United States of America to be hereto affixed.

Given under my hand, at the city of Washington, this 18th day of February, in the year of our Lord one thousand eight hundred and one, and of the independence of the said States the twenty-fifth.

JOHN ADAMS.

By the President:

JOHN MARSHALL,
Acting as Secretary of State.

And whereas the said convention was, on the other part, ratified and confirmed by the Frst Consul of France in the form of which the following is a translation from the French language, to wit:

Bonaparte, First Consul of the French people: The consuls of the republic having seen and examined the convention concluded, agreed to, and signed at Paris the 8th Vendemiaire, ninth year of the French republic, (30th September, 1800,) by the citizens Joseph Bonaparte, Fleurieu, and Rœderer, Counsellors of State, in virtue of the full powers which have been given to them to this effect, with Messieurs Ellsworth, Davie, and Murray, ministers plenipotentiary of the United States, equally furnished with full powers, the tenor of which convention follows.

Approves the above convention in all and each of the articles which are therein contained; declares that it is accepted, ratified, and confirmed, and promises that it shall be inviolably observed.

The Government of the United States having added to its ratifications that the convention should be in force for the space of eight years, and having omitted the second article, the Government of the French republic consents to accept, ratify, and confirm, the above convention, with the addition importing that the convention shall be in force for the space of eight years, and with the retrenchment of the second article: provided that by this retrenchment the two States renounce the respective pretensions which are the object of the said article.

In faith whereof these presents are given. Signed, countersigned, and sealed with the great seal of the republic, at Paris, the twelfth Thermidor, ninth year of the republic, (31st July, 1801.)

BONAPARTE.

The Minister of Exterior Relations,
CH. MAU. TALLEYRAND.

By the First Consul:
The Secretary of State,
HUGUES B. MARET.

La présente convention a éte échangée par les ministres soussignés, munis de pleinspouvoirs à cet effet, à Paris, ce douze Thermidor, an neuf (trente et un Jullet, mille huit cent un.)

W. V. MURRAY,
JOSEPH BONAPARTE.
C. P. CLARET FLEURIEU.
P. L. RŒDERER.

Which ratifications were duly exchanged at Paris on the 31st day of July, in the present year; and, having been so exchanged, were again submitted to the Senate of the United States, who, on the nineteenth day of the present month, resolved that they considered the convention as fully ratified, and returned the same to the President for the usual promulgation. Now, therefore, to the end that the said convention may be observed and performed with good faith on the part of the United States, I have caused the premises to be made public, and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said convention, and every clause and article thereof.

[L. S.] In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and one, and of the sovereignty and independence of the United States the twenty-sixth.

TH. JEFFERSON.

By the President:

JAMES MADISON,
Secretary of State.

[TRANSLATION.]

The Minister of Exterior Relations to Mr. Pichon, dated 16th Thermidor, year 9 *of the Republic, 4th August,* 1801.

[EXTRACT.]

I have received, citizen, your despatch of 14th Prairial, (4th June,) and the papers you have enclosed with it.

I have the pleasure to inform you that the Government of the republic has ratified the convention of the 9th Vendemiaire, (30th September.) It has not escaped you that the ratification of the Senate and of the American Government, in truth unusual, irregular, and incomplete, had placed us in a position which was not in reality embarrassing, but because we were sincerely disposed to enter into with the United States our ancient relations of good understanding and amity. It would have been extremely easy and plausible to terminate this discussion by a refusal to ratify, in citing the radical defect of the American ratification; but then the reconciliation of both nations would have remained uncertain, and would have been left to the chances of an unknown futurity. The Government has preferred to terminate this debate in the manner the most conformable to the interests and to the sentiments of the two nations. However, as, in ratifying without explanation, the two Governments would have found themselves in an unequal position relative to the pretensions expressed in the suppressed article, the suppression of this article releasing the Americans from all pretensions on our part relative to ancient treaties, and our silence respecting the same article leaving us exposed to the whole weight of the eventual demands of this Government relative to indemnities, it has become necessary that a form be introduced into the act of ratification, in order to express the sense in which the Government of the republic understood and accepted the abolition of the suppressed article.

I transmit to you, herein enclosed, the form of ratification, and the verbal process of exchange. I ought not to suppose that this act could be the object of any explanation between you and the Federal Government: in every case the particulars of the negotiation are perfectly known to you.

You know that the 2d article had not been introduced into the convention without repugnance on the part of the American minister. Mr. Murray, urged by our ministers to explain the motive for the suppression of this article, declared that the question was too interesting not to have already captivated his attention; and that, taking for the basis of the views of his Government the desire to establish harmony between the two nations, he was of opinion that the motive for the rejection of the second article could be found in the article itself, looking upon it as susceptible of producing disquiets in future, by promising nothing but an ulterior and discordant negotiation; and in the desire of placing reciprocal friendship rather in the natural course of things, than hazard it in an article which, if it had ever been executed, would have a palpable tendency to disturb it.

This is a full and wise explanation. It is, moreover, too conformable to the dispositions of harmony which exist between the two Governments, and of regard which united both nations, that the Government of the republic should have heard, with certainty, that the abolition of the second article was equivalent to the abolition of all the pretensions that have so long established discord in the relations of the two countries, and in the discussions of their Legislatures.

I have room to believe that, in your immediate answer to despatch of this day, you will inform me of the approaching departure of Mr. Livingston. In awaiting the arrival of the republican minister, and the definitive nomination of the commissioners of commercial relations, I confide in the zeal of the agents whom you have provisionally appointed, and in the wisdom of the directions which they receive of you. I salute you.

CH. MAU. TALLEYRAND.

Mr. Madison, Secretary of State of the United States, to Mr. Livingston, dated

WASHINGTON, 18*th December*, 1801.

[EXTRACTS.]

SIR: The convention with the French republic, as finally exchanged by Mr. Murray, arrived here on the 9th day of October last, in the hands of Mr. Appleton. As the form of ratification by the French Government contained a clause declaratory of the effect given to the meaning of the treaty by the suppression of the second article, it was thought by the President most safe, as a precedent, to ask anew the sanction of the Senate to the instrument with that ingredient. No decision has yet been taken by that body; and from the novelty of the case, the number of absent members, and the delays incident to questions of form, it is possible that it may be some little time yet before the subject is brought to a conclusion. It is not, however, to be presumed that any serious difficulty can ultimately clog it; and it is hoped that nothing in the present appearance will mislead the French Government into a suspension of proceedings for giving to the United States the benefits of the treaty. I am authorized to say that the President does not regard the declaratory clause as more than a legitimate inference from the rejection by the Senate of the second article, and that he is disposed to go on with the measures due under the compact to the French republic.

You will find by the proceedings of the House of Representatives, sketched in the newspapers herewith enclosed, that the injury threatened to our navigation by foreign regulations brought into activity by the peace, more particularly by the countervailing act of Great Britain, founded on her construction of the treaty of 1794, has engaged the attention of that assembly. The resolution proposed by General Smith has been as yet very partially discussed, and it is uncertain what shape or turn may finally be given to it.

Mr. Livingston to the Secretary of State of the United States, dated

PARIS, *January* 13, 1802.

[EXTRACT.]

The reluctance we have shown to a renewal of the treaty of 1778 has created many suspicions. Among other absurd ones, they believe, seriously, that we have an eye to the conquest of their islands. This business of Louisiana also originated in that; and they say expressly that they could have had no pretence, so far as related to the Floridas, to make this exchange, had the treaty been renewed, since, by the 6th article, they were expressly prohibited from touching the Floridas. I own I have always considered this article and the guarantee of our independence as more important to us than he guarantee of the islands was to France, and the sacrifices we have made of an immense claim to get rid of it as a dead loss.

Mr. Livingston to the Minister of Exterior Relations of the French Republic, [*marked sent in 17th April,* 1802.]

[EXTRACT.]

I am sorry, sir, that we should still continue to think differently on the subject of the indemnities. The fifth article appears to me to go much further than your construction of it is willing to admit. It expressly stipulates that all debts due by either Government to the individuals of the other shall be paid. But as this would also have included the indemnities for captures and condemnations previously made; and it was the intention of the contracting parties, by the second article, to preclude this payment as depending on a future negotiation, it was necessary to except from this promise of payment all that made the subject of the second article. The exception, therefore, must be considered as a complete explanation of the extent of the word "indemnities" in that article; and the whole of the 5th article, taken together, amounts to an express stipulation to pay every debt due to individuals, except such as they might claim for indemnities for captures and condemnations, and must have been so construed had the second article continued in the treaty. On its being erased, the fifth article stands alone as a promise to pay, with the single exception of indemnities for captures and condemnations. It will, sir, be well recollected by the distinguished characters who had the management of the negotiation, that the payment for illegal captures, with damages and indemnities, was demanded on one side, and the renewal of the treaty of 1778 on the other; that they were considered as of equivalent value, and that they only formed the subject of the second article; and that, as to the payment of indemnities for embargoes, in consequence of the cargoes being put in requisition, or with a view to any other political measure which carried with it nothing hostile to the United States, no controversy ever arose between the plenipotentiaries of the two nations.

Louisiana Treaty, article 9.

Art. 9. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French republic, prior to the 30th of September, 1800, (8th Vendemiaire, 9,) is approved, and to have its execution in the same manner as if it had been inserted in the present treaty, and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention, signed at the same date as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

Convention between the United States of America and the French Republic.

The President of the United States of America and the First Consul of the French republic, in the name of the French people, having, by a treaty of this date, terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States near the Government of the French republic, and the First Consul, in the name of the French people, the French citizen Barbe Marbois, Minister of the Public Treasury; who, after having exchanged their full powers, have agreed to the following articles:

Art. 1. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French republic, (30th September, 1800,) shall be paid according to the following regulations, with interest at six per cent., to commence from the periods when the accounts and vouchers were presented to the French Government.

Art. 2. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note, which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Art. 3. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their Treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissioners of France to those of the United States.

Art. 4. It is expressly agreed that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been, and are yet, creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800.)

Art. 5. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French republic, and only in case of the insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire an 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States. The said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed; it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who, by that reason and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

Art. 6. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French republic, and to ascertain whether they belong to the classes designated by the present convention, and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen, or his representative, and that it existed before the 8th Vendemiaire, 9th year, (30th September, 1800,) the creditor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

Art. 7. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

Art. 8. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which, in their judgments, ought to be admitted to liquidation.

Art. 9. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged, with interest at six per cent., by the Treasury of the United States.

Art. 10. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau, and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations, in all such cases, to the minister of the Treasury of the French republic, on whose report the French Government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim, so far as it concerns itself.

Art. 11. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterwards.

Art. 12. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, they may be pursued, and the payment demanded, in the same manner as if it had not been made.

Art. 13. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the minister plenipotentiary, or sooner if possible.

In faith of which the respective ministers plenipotentiary have signed the above articles, both in the French and English languages; declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth day of Floreal, eleventh year of the French republic, 30th April, 1803.

ROBERT R. LIVINGSTON. [L. S.]
JAMES MONROE. [L. S.]
BARBE MARBOIS. [L. S.]

Mr. Madison to Mr. Charles Pinckney, Minister to Spain, dated

February 6, 1804.

[EXTRACT.]

Your last letter, not already acknowledged, is that of August 2d, continued on August 30th.

The Senate having resumed at the present session the convention with Spain, postponed at the last, have thought proper to ratify it; and the President has completed the act on the part of the United States.

The instrument is now returned to you with these sanctions, in order to be exchanged for the ratification of his Catholic Majesty. You will hasten this formality as much as possible, and forward the result to the Government here, that no time may be lost in procuring to our citizens the benefit stipulated to them. To favor despatch, as well as to guard against casualties, duplicates, and even triplicates, will be proper.

In concurring in this partial provision for the indemnities due from Spain, it is to be particularly understood that it proceeds from no other considerations than a wish to shorten the delay of relief to that portion of the claimants who are included in the provision, and a determination to avail the residue of the reserve expressly made in behalf of their claims by the ——— article of the convention. When the decision of the Senate was postponed at the last session, it was justly hoped that, before the succeeding one, the Spanish Government would have yielded to the reasonableness and justice of giving to the provision the extent required by the United States; in which case, the arrangement would have been simplified, and a foundation laid at once for closing all controversies on the subject. The final refusal of Spain to concur in these views has been thought to give a preference to the course now adopted.

None of the pleas urged by the Spanish Government can in the least invalidate the justice of the claims for injuries committed by French citizens or agents within her jurisdiction.

If his Catholic Majesty be sovereign in his own dominions, aliens within them are answerable to him for their conduct, and he, of course, is answerable for it to others. This is a principle founded too evidently in reason and usage to be controverted. As well might Spain say that a theft or robbery, committed in the streets of Madrid by a Frenchman on an American, is to be redressed by France, and not by her, as pretend that redress is to be sought for spoliations committed by cruisers from, or condemnations within, Spanish ports. Nor is there any room for the distinction between the injuries proceeding from the French cruisers and the French consuls. With respect to the consuls, their acts were either authorized or not authorized by Spain; if authorized by Spain, Spain is answerable for giving them the authority; if not authorized by Spain, they could not be authorized at all, the law of nations giving them no such authority, and France having no right to give it; and being acts without authority, they are not to be regarded as consular acts, but as much the acts of private individuals as the cruisers, or any other irregularities committed or instituted by French citizens within the jurisdiction of Spain. To say that the consuls derive their authority from the sanction given by Spain to the authority derived from France, without which sanction, positive or permissive, it is clear that the authority of France within the jurisdiction of Spain would be a nullity, is still to rest the condemnations by the consuls on authority of Spain, and to leave her responsible for them.

Under every aspect, therefore, Spain is bound to do justice in this case to the citizens of the United States, unless she not only pleads a duresse, suspending her free agency, and prostrating her national honor, but proves the reality of this duresse; and not only proves this duresse, but proves, moreover first, that she did every thing in her power to prevent the evil; next, that she did every thing in her power to obtain reparation for it; and, lastly, that, in tolerating the evil, she did not deliberately and wilfully surrender the neutral rights under her protection, to advantages, positive or negative, obtained or expected by herself from France.

The suggestion that France was resorted to for redress is unfounded. It does not appear that any such resort was authorized by the Government of the United States, whilst the claims against Spain have been uniform and pressing. Nor is it believed that any interpositions have proceeded from the American legation at Paris. Had, indeed, such interpositions taken place, they would in no respect lessen the obligations of Spain.

Individuals may have made their applications to the French Government; but it will not be pretended that the merits of the question can be affected by that circumstance.

The plea on which it seems that the Spanish Government now principally relies, is the erasure of the second article from our late convention with France, by which France was released from the indemnities due for spoliations committed under her immediate responsibility to the United States. This plea did not appear in the early objections of Spain to our claims. It was an afterthought, resulting from the insufficiency of every other plea, and is certainly as little valid as any other. The injuries for which indemnities are claimed from Spain, though committed by Frenchmen, took place under Spanish authority; Spain, therefore, is answerable for them. To her we have looked, and continue to look, for redress. If the injuries done to us by her resulted in any manner from injuries done to her by France, she may, if she pleases, resort to France as we resort to her. But whether her resort to France would be just or unjust is a question between her and France, not between either her and us, or us and France. We claim against her, not against France. In releasing France, therefore, we have not released her. The claims, again, from which France was released were admitted by France, and the release was for a valuable consideration, in a correspondent release of the United States from certain claims on them. The claims we make on Spain were never admitted by France, nor made on France by the United States; they made, therefore, no part of the bargain with her, and could not be included in the release.

WEIGHTS AND MEASURES.

In House of Representatives, *February* 27, 1835.

Mr. Binney, from the select committee to which the subject had been referred, made the following report:

The committee to which was referred a memorial from the importers, auctioneers, commission merchants, and traders, engaged in the dry goods business in Philadelphia, praying Congress to establish a standard of weights and measures throughout the Union, and uniform modes of applying and conforming to the same, report:

That they have had the memorial under consideration, and, in consequence of the advanced stage of the session at which it was presented, and the pressure of other business, are unable, at this time, to do more than, in a general way, to call the attention of the House to this important subject, and to press upon it the duty of legislation at the earliest practicable day.

Congress have power, by the constitution, to "fix the standard of weights and measures." By the same constitution, it is declared that "all duties, imposts, and excises, shall be uniform throughout the United States." It is evident that, so long as duties shall be imposed with reference to weight and measure, whatever may be their apparent uniformity by the terms of a duty law, there can be no real and true uniformity throughout the United States, in the duties paid upon the same weight or measure of any thing, unless there is a uniformity in the mode of ascertaining the fact. It is equally evident that the fact cannot be uniformly ascertained, except by the use of one and the same standard at the different places where duty is computed; and hence it may be regarded as indisputably true, that duties, imposts, and excises, cannot be uniform throughout the United States, without a fixed standard of weights and measures.

The pernicious consequences arising from the want of such a standard in the United States were felt, in particular cases, before the extent of the inequality had been ascertained. In execution of the duty assigned to the Secretary of State, (Mr. Adams,) by a resolution of the House of Representatives of the 14th of December, 1819, a letter was, at his request, addressed, by the Register of the Treasury, to the collectors of the customs throughout the Union, with a view to ascertain the existing varieties in the weights and measures at the several custom-houses; and the result of the answers received from forty-nine collectors was presented in a tabular form, in the appendix to the report made by the Secretary on the 22d of February, 1821. This, it is believed, was the first general collection of facts in regard to the weights and measures practically applied throughout the Union in the computation of duties. It exhibited the extraordinary circumstance, that, with perhaps a single exception, there were not two custom-houses in the United States at which the capacity of the bushel and half bushel in use was the same; and that although, in some instances, the difference was not considerable, yet that in others it amounted, in the half bushel measure, to 68, 69, 136, 154, 162, and 188, cubical inches; in round numbers, the maximum difference being 216.79 inches between the half bushel of Bath, in Maine, which was 962.5 inches, and that of Plymouth, in North Carolina, which was 1,179.29 inches; the Winchester bushel being 2,150.4, and the half bushel consequently 1,075.2.

This extreme difference, proportionally stated, is about one-fifth, or 20 per cent. of the whole; and the difference in the avoirdupois weight in water of the contents, which was returned along with the cubical capacity, is but a little less, though not coincident with the differences of the capacities above stated. The table also showed that the grains troy in the pound avoirdupois, instead of being uniformly 7,000, varied in different custom-houses from 6,938 to 7,032; and the standards of weights, as well as measures, were obtained from Maine, from New Hampshire, from New York, from Philadelphia, sometimes from cities, and sometimes from county towns, though, perhaps, in all cases derived from such as had been derived from the standards in England.

Important as were the facts disclosed by the returns from several of the custom-houses in the United States, the committee are not aware that any measures were taken by either House of Congress in correction of the evil, or in further prosecution of the inquiry begun by the Secretary of State, until the 29th of May, 1830, when a resolution was adopted by the Senate, directing the Secretary of the Treasury "to cause a comparison to be made of the standards of weight and measure (then) used at the principal custom-houses in the United States, and report to the Senate at the next session of Congress."

On the 3d of March, 1831, the Secretary of the Treasury (Mr. Ingham) reported to the Senate that, in obedience to the directions of their resolution, the comparison had been commenced under the immediate superintendence of Mr. Hassler, "whose reputation, as well for his researches in general science as for his experience in this particular branch, recommended him as peculiarly qualified for this undertaking;" but that, owing to a casualty in the transportation of the apparatus from New York to Washington, the comparison could not be completed at that session. It was then, however, so far advanced, and "exhibited such a remarkable disparity in the weights and measures used at different custom-houses, as to demonstrate the urgent necessity of providing standards for their regulation."

The report of Mr. Hassler was completed and made to the Treasury Department on the 27th January, 1832, and, on the 20th June following, it was communicated by the Secretary of the Treasury (Mr. McLane) to the Senate. This report of Mr. Hassler, which details the proceedings for effecting the comparison, and the scientific principles by which it was governed, enumerates, also, the different weights and measures, as well of length as of capacity, received by him from the different custom-houses, for the purpose of comparison. "It was considered proper," says the report, "to call into the Treasury Department copies of standards of the principal custom-houses, to be able to compare them upon one and the same system, and with the same regular and constant unit. This call showed that hardly any custom-houses had actual standards. All equally refer, for weights and measures of any kind, to the city sealers of the place, or those appointed by the respective States."

The following statement of these standards, or weights and measures, annexed to the report, shows all that were received from the custom-houses for comparison, and may be thought to exhibit, at one view, the sources of the prevalent irregularities.

"Portland sent nothing; says that there are no standards in the custom-house; they use measures of the State, sealed by the sealers of the town of Portland. Dearborn's balance is used for weighing, which is sent to Boston to repair, when needed. The Winchester bushel is said to be used, but no account given of it."

"Portsmouth sends weights: a 32 lb., 16 lb., and 8 lb., with large hooks, adapted to Dearborn's balance, said to be duplicates of those in the office, and a wooden half bushel; states that the standards used are those of the State of New Hampshire, no United States standards having ever been established; that they have no use for length measures, no importations requiring it."

"Boston sent one copper half bushel measure; one copper gallon; one 56 lb. brass weight; one wooden yardstick, divided into hundredth parts, for the ease of reduction into square yards."

"Providence sent two brass length measures, each one-third of a yard long; two single pound brass weights; one copper wine gallon measure; one copper quarter of bushel measure."

"Middletown sent nothing; and said there are not, and never were, any standards in the custom-house. The weights and measures are proved and corrected by standards established by State authorities, and in the possession of officers appointed by the State."

"New York sent two large wooden tubs, used for measuring salt and coal, and a set of common iron weights, from 1 lb. to 56 lbs. A letter of the surveyor of the port, of the 21st September, 1831, states that no standards of any kind are in the custom-house; that the weights and measures are verified twice a year by the city sealers."

"Philadelphia sent a copper half bushel, and a set of 5 brass weights, of 28, 14, 7, 4, and 2 pounds, the best worked that have been received; one common folding yard rule, and one measuring tape. The office has standards of weights and bushels, of which an account is given, namely, English Tower standard troy weights. The half bushel is very old, and is said to contain 1,093.1024412 cubic inches, and holds water at the temperature of 52 degrees Fahrenheit, 39 lbs. 6 oz."

"Baltimore sent one yard tape, and one yard stick, divided into hundredths; a set of common iron weights, from 1 lb. to 56 lbs.; one wooden 6 bushel salt barrel; and one tin wine gallon."

"Wilmington, in Delaware, sent one set of iron weights, from 1 lb. to 56 lbs.; one wooden iron-bound tub."

"Richmond sent one measuring stick of 48 inches; one bushel measure, of wood, iron-bound; one tin gallon, sealed, as used for the custom-house, by the city sealer; states that the bushel is considered to be the Winchester bushel of 2,256 inches, which is even larger than the coal bushel was found."

"Norfolk sent two 50 lb. iron weights, spoiled by rust, kept since before the introduction of Dearborn's balance, which is now used altogether; one iron-bound tub of two bushels, standarded by the standard of the State of Virginia, which is stated to be the Winchester bushel."

"Charleston, South Carolina, sent one half bushel, sealed by the sealer of the city, which arrived so worm-eaten as to be useless; states that the measures used were those of the State, and there had never been any difficulty with importers. For weighing, Dearborn's balance is used; and, for liquid measure, the gauging rod of Kutz, in New York."

"Savannah sent nothing; uses Dearborn's balance, brought from New York. The salt measures are stated to be the same as in Philadelphia; the casks are gauged by Gunter's rule."

"New Orleans sent seven brass weights, from 56 lbs. to half a pound; one half bushel bucket; gives no special information."

The weights and measures thus transmitted were scientifically compared by Mr. Hassler, as his report shows in detail; and although the differences are less striking than those which appear in the weights and measures of some of the custom-houses, mentioned in the tables annexed to the report of the Secretary of State, on the 22d of February, 1821, from which no specimens or standards were sent to Mr. Hassler, yet, in a few particulars, they deserve to be noticed. The sixty inch measuring tape from Philadelphia gave a resulting yard of only 35.76 inches, or nearly a quarter of an inch short; while the yard measure from that custom-house was the most accurate of all. The yard sticks, rules, and measuring tape, received from other custom-houses, were, in every instance, too long, though not always in a considerable degree. The avoirdupois weights were sometimes too light, more frequently too heavy, though rarely to any considerable extent. In one instance, a 28 lb. iron weight from Wilmington, Delaware, was too heavy by 987 grains, or nearly the seventh of a pound; and a 56 iron weight, from the same custom-house, was too heavy by 616 grains. Of the metal standard measures of capacity from New Hampshire, the bushel was too small by 25 inches, as compared with the Winchester bushel in the State Department, of 2,124 1. The half bushel tub from Charleston was more than 15 inches too small; and the two and three bushel tubs from New York, for measuring salt and coal, were respectively 132 and 203 inches and a fraction too small. The six bushel tub or barrel, of Baltimore, was 296 inches too large.

In connexion with this comparison by Mr. Hassler, it appears that the Secretary of the Treasury (Mr. Ingham) had instituted proceedings for the fabrication of the necessary standards, for the use of all the custom-houses; and when the report placed the defects of the existing system so demonstratively before the Department, it appeared to leave no alternative to the Secretary but to prosecute those proceedings with all practicable despatch, in virtue of powers already conferred upon that Department by law. In the report of 30th of June, 1832, by the Secretary of the Treasury (Mr. McLane) to the Senate, he remarks, in reference to Mr. Hassler's work, that "the examination has been made with great care and ability, and the report presents fully both the results and the means employed in obtaining them. It will be seen that great discrepances exist between the weights and measures used in the different custom-houses, some being too small and others too large; but that the mean corresponds nearly with the standards as fixed by the English laws previously to and at the epoch of the declaration of American independence. The existence of these discrepances is not surprising, considering the manner in which the weights and measures have been obtained in the custom-houses. It is nevertheless a serious evil, inasmuch as it produces inequalities in the duties levied at the different ports, and thus contravenes the spirit of the constitution, which declares that all duties, imposts, and excises, shall be uniform throughout the United States. It is believed, however, that this Department has full authority to correct the evil, by causing uniform and accurate weights and measures and authentic standards to be supplied to all the custom-houses. With this view, proceedings were instituted by my predecessor, with the President's approbation, and are now in progress for effecting that object, by fabricating, at the United States arsenal in this city, under the immediate personal superintendence of Mr. Hassler, the necessary standards, as well as weights and measures, which will be adjusted by him with all the exactness that the present advanced state of science and the arts will afford. The report made by this Department to the Senate on the 3d of March, 1831, described the authentic units which were to be adopted in the preparation of these weights and measures. The avoirdupois pound, which is the pound of commerce, and with which the custom-houses will be supplied, will be derived from the troy pound of the mint therein referred to, by the legal proportions of 5,760 grains, which constitute the troy pound, to 7,000 grains troy, which constitute the avoirdupois pound. The liquid measure will be the wine gallon of 231 cubic inches, and the dry measure the Winchester bushel of 2,150.42 cubic inches, according to the standard of 36 inches, adopted as the English yard, and referred to in that report."

As it was obvious to the committee that the prosecution of the proceedings for fabricating the standards referred to in this report, was of great public interest, and promised, when complete, to enable Congress, with the least difficulty, to execute their constitutional power with reference, if they should see fit, to existing standards at Washington, made with scientific accuracy and adequate mechanical skill, and conforming to the English standards from which the different States, while colonies, had derived their own, they deemed it material to ascertain the present state of the work; especially as, in the annual report of the Secretary of the Treasury, at the present session, circumstances were adverted to as likely to retard its completion for another year, and also a contingent change of place at which it was to be prosecuted, involving perhaps further delay. The chairman accordingly, by direction of the committee, addressed a letter to the Secretary of the Treasury, a copy of which, with the Secretary's answer, and the papers transmitted therewith, and the correspondence which ensued, will be found appended to this report. These documents will show that although the work, from unavoidable causes, has not proceeded with all the despatch that was to be wished, yet that the Secretary of the Treasury is pressing the subject with an obvious desire to witness its completion, and that it is therefore to be hoped that it may be brought to a conclusion before the lapse of much more time, and at an expense inconsiderable, when compared with the magnitude of the object. Until it shall be completed, the complaints, urged with so much force in the memorial referred to them, will continue to be well founded, and to be a reproach to the administration of the duty laws. The memorialists say, and say truly, that "the various regulations and customs existing in the several States of the Union, uncontrolled by any settled and uniform national standard whereby irregularity in weights and measures might be checked, are necessarily productive of much inconvenience to the whole trading community." "What is measure in one place, and on one side of a river, may not be such, and often is not, in another, on the opposite side." "In the present unsettled state, buyer and seller have frequently to negotiate, first, what shall be weight and measure. Goods transported from one State to another have constantly to be reweighed, regauged, or measured anew, and discrepances and misconstructions, varying from what was intended, are perpetually occurring, to engender collision, highly detrimental to the interests of trade and dishonorable to our national character." These, and perhaps more than these, the incidental favor and prejudice to particular ports and to the importing merchants who reside there, will continue to be great and discreditable evils, so long as the design of supplying the custom-houses of the United States with uniform standards of weights and measures shall remain unexecuted and until Congress shall fix the standard.

The subject of a standard of weights and measures for the United States has already been copiously treated in its scientific and practical bearings, and also with reference to the constitutional power of Congress, in the report first alluded to by the committee. What standard Congress ought to fix, the committee do not deem it necessary at this time to suggest. They believe that, without much, if any innovation, Congress will finally adhere to the "existing weights and measures of the country, merely fixing the standard." The difficulties, both constitutional and moral, in the way of adopting any other system for a people, and under a Government like ours, have been pointed out in the report of the Secretary of State. It is impossible for the committee to withhold their assent from the sentiments expressed in the following extracts:

"The substitution of an entire new system of weights and measures, instead of one long established and in general use, is one of the most arduous exercises of legislative authority. There is indeed no difficulty in enacting and promulgating the law, but the difficulties of carrying it into execution are always great and have often proved insuperable. Weights and measures may be ranked among the necessities of life to every individual of human society. They enter into the economical and daily concerns of every family. They are necessary to every occupation of human industry; to the distribution and security of every species of property; to every transaction of trade and commerce; to the labors of the husbandman; to the ingenuity of the artificer; to the studies of the philosopher; to the researches of the antiquarian; to the navigation of the mariner, and the marches of the soldier; to all the exchanges of peace, and all the operations of war. The knowledge of them, as in established use, is among the first elements of education, and is often learned by those who learn nothing else, not even to read and write. This knowledge is riveted in the memory by the habitual application of it to the employments of men throughout life. Every individual, or at least every family, has the weights and measures used in the vicinity and recognised by the custom of the place. To change all this at once is to affect the wellbeing of every man, woman, and child, in the community. It enters every house, it cripples every hand. No legislator can attempt it with any prospect of success, or any regard to justice, but upon two indispensable conditions: one, that he shall furnish every individual citizen with easy access to the new standards which take the place of the old ones; and the other, that he shall enable him to know the exact proportion between the old and the new. A multiplication of standard copies to a great extent is indispensable; and the distribution of them throughout the country, so that they may be within the means of acquisition to every citizen, is among the duties of the Government undertaking so great a change. Tables of equalization must be circulated in such a manner as to find their way into every house; and a revolution must be effected in the use of books for elementary education, and in all the schools where the first principles of arithmetic may be taught."

"The doubts whether an authority so extensive as this operation would require has been delegated to Congress, are strengthened by the consideration of the executive power corresponding with the legislative authority. The means of execution for exacting and obtaining the conformity of individuals to the ordinances of law, in the case of weights and measures, belong to that class of powers which, in our complicated political organization, are reserved to the separate States. The jurisdictions to which resort must be had for transgressions of this description of laws, are those of municipal police." "The sealers of weights and measures, officers who have the custody of the standards, and the authority to compare with them, from time to time, the weights and measures used by individuals, and to prosecute for all offences by variations from the standards, and the courts before whom all such offences are triable, are institutions not only existing in almost every State in the Union, but essentially belonging to that portion of public authority suited to the State administration, rather than to that of the Union. It is a general principle of our constitutions, that, with every delegation of legislative authority, a coextensive power of execution has been granted. Affairs of municipal and domestic concern have, for obvious reasons, been reserved to the State authorities; and of this character are most of the regulations and penal sanctions for securing conformity to the standards of weights and measures. In fixing the standard, it is believed that Congress must rely almost entirely, if not altogether, upon State executive authorities for carrying their laws into execution; and although this reliance may be safely indulged in relation to a law which should merely fix the uniformity of existing standards, its efficacy would be very questionable in the case of a law of great and universal innovation upon the usages and habits of the people. Of such a law, the transgressions could not fail to be numerous; any doubt of the authority of the legislator would stimulate to systematic resistance against it, and the power of its execution being in other hands, naturally disposed to sympathize with the offender, the whole system would fall into ruin, and afford a new demonstration of the impotence of human legislation against the laws of nature and the habits of man."

It is the entire assent of the committee to the sentiments thus expressed which makes them desire to see the work already begun under the direction of the Treasury Department, with the approbation of the President, prosecuted to a conclusion. They believe that the standard of the weights and measures in practical use throughout the country will, with little if any innovation, be established by Congress, whenever they shall execute their constitutional power in this particular. They entertain the opinion that the Treasury Department has now at its command qualifications, both scientific and mechanical, adequate to the adjustment of these standards in as great a degree of perfection as they exist in other countries. They have no doubt that it is within the competency of the Treasury Department, under existing laws, and without further legislation, to apply a requisite portion of the gross revenue from duties and imposts to the fabrication of standards and of weights and measures, for the purpose of making the duties uniform in payment, as they are in assessment. They are persuaded that when the work shall be completed, it will give great and indispensable facility to Congress in fixing the standard of weights and measures for the whole country; and they are convinced that, whether such a law be or be not passed by Congress, the mere fact that a body of perfect standards exists in the Treasury Department, and in the custom-houses of the United States, will immediately produce their general dissemination and adoption, either through the aid of State legislation or by common consent. It is in this mode that the committee think the prayer of the memorialists, for the establishment of a uniform standard of weights and measures throughout the Union, will be answered more promptly than by an endeavor to bring about immediate legislation by Congress at this time.

There is another prayer in the memorial submitted to them, upon which the committee deem it expedient to make a few remarks.

The memorialists ask not only for a standard of weights and measures, but for the establishment of "uniform modes of applying and conforming to the same." They say, that not only the standards of weight and measure are at variance, but "the modes of administering and conforming to them vary still more;" and the committee are aware that a difference in the application of lineal measure, among the dealers in dry goods in the city from which the memorial comes, and in a neighboring city, is in fact the cause of its being presented at this time. An allowance beyond the strict yard measure of cloths and other dry goods, usual but not universal, is one of the instances of variety in the mode of applying a standard of measure which, it is believed, the memorialists desire Congress to regulate invariably by law; and there are probably others.

A law of Congress which shall establish a uniformity of mode in the application of weights and measures, otherwise than as it is established by the standard itself, and by the shape and dimensions of the measures, must be preceded by the decision of two questions: 1. Whether it is within the constitutional power of Congress to regulate the mode of application among the citizens universally. 2. Whether particular regulations for applying or using the weights and measures established by law are, in general, expedient.

1. The power of Congress is to "fix the standard of weights and measures." Their whole authority is derived from this single clause in the constitution. It doubtless includes the power to declare what are the legal weights and measures to which the laws of the United States refer, as the legal weights and measures of the Union; to make and maintain positive standards of the proper materials, and to deposite them in such public office at the seat of Government as may be thought most suitable; to require that the weights and measures used at all the custom-houses, and land surveys, and post offices, and generally by all officers under the authority of the United States, in the execution of their laws, shall be conformable to the national standards. All these are stated to be within the constitutional power of Congress, in the report of the Secretary of State, (Mr. Adams,) and they are admitted to be so by the committee. It may be further admitted, that it is within the legislative authority of Congress over the imposition and collection of duties, to direct the mode of applying both weight and measure at the custom-houses of the United States, as they may deem just, provided the regulation be not inconsistent with that provision in the constitution which declares that duties shall be uniform throughout the United States. But whether it is within the power of Congress to regulate the private transactions of the citizens of the different States, by prescribing regulations for the use of weights and measures, and especially by prescribing such regulations as shall have the obligation of law upon the transactions of business, whatever may be the agreement or intention of the parties to the contrary, is a very different question. The establishment of a standard implies uniformity in the measure, and, of course, exactness; and that mode of application which gives exactness may, in the absence of private agreement, be considered as necessarily implied between the parties. But a control of individuals in the use of standard weights and measures, so as to make it

illegal to apply them in any other than one way, and a consequent prohibition and punishment of deviation from the mode prescribed, where both parties intend to deviate, is an exercise of power which, if it be expedient at all, seems to belong to State rather than to federal authority.

The power of Congress is to fix the standard, that is to say, to establish a certain legal unit, or units, from which are to be deduced all the weights and measures of the country; but how these weights and measures shall be used between the citizens, whether with or without allowance beyond the strict yard, whether by filling a measure lightly or compactly, are matters of social regulation which, beyond the range of the custom-houses or other acknowledged jurisdiction of the United States, are not admitted to be within the clear authority of Congress. They do not seem to belong to the power of fixing the standard, but to that power to which belongs the regulation of the general transactions of the country, in all those matters in which weights and measures are involved; and this is not a federal power. In the collection of duties, the mode of applying the standard weights and measures should be uniform, because uniformity is the end of the constitution, and Congress, by law, and perhaps the Treasury Department, by its existing powers, may make such regulations as they may deem conducive to this end. Beyond this the committee are not disposed at present to concede that the power of Congress extends, while at the same time they do not wish to be understood as expressing a decided opinion.

2. The second question is, whether particular regulations for applying or using the weights and measures established by law are, in general, expedient.

The adjustment of such regulations is an operation of great difficulty. Precision, or exactness of measure, in all the various and rapid admeasurements and weighings of merchandise, is scarcely attainable; and allowances of various kinds are made, sometimes by particular agreement, and sometimes by a custom of more or less prevalence, to correct accidental inaccuracy. To direct the precise manner in which a measure or weight, or the instrument of ascertaining it, be it yardstick, bushel, scalebeam, or steelyards, shall be applied, and the precise allowance to be made in each case, is what the committee suppose to be a work of great difficulty. In some instances it may be safely done; in many it is nearly impracticable. Even in the common operation of measuring a piece of cloth with a yardstick, the attainment of uniformity may be found not so easy as at first sight may be thought. The law may prescribe whether the cloth, at the time of applying the measure, shall be held in the hand, or placed upon a table or counter, and that there shall be, or shall not be, a certain allowance beyond strict measure, to cover inaccuracies; but unless it describes the very article to be measured, and distinguishes between articles of different degrees of elasticity, under different degrees of tension, accuracy may not, after all, be attained. The law itself may become the occasion of irregularity, by its effort to prevent it, and the effect of the allowance be entirely different in different cases; so that private agreement must come in to correct the defect of the law, as well as the inaccuracy of measure. Certain allowance, added to uncertain measure, may increase the purchaser's chance of getting all that he is entitled to, but it does not increase the chance of accuracy in the admeasurement. So, in measuring a bushel of wheat, oats, or Indian corn, the law may prescribe how the measure shall be held by the measurer, whether in a state of rest or of agitation, and to what extent it may be agitated for the purpose of settling the contents; but unless it distinguishes the strength of the motion, as well as the times of its repetition, it will still be attended by uncertainty, which, if susceptible of correction at all, can only be so by private agreement. It is well known that all substances susceptible of compression by shaking, or by the mode of packing, have more or less weight and value, according to the degree of their compactness in the measure, and that they may be so measured as to diminish or increase the value of what is so contained. But the correction of an error of this kind seems entirely to elude legislation, and to be without remedy, except by private agreement or vigilance. Mr. Pasley, in his observations on the expediency and practicability of simplifying and improving the measures, weights, and money, used in England, has given some attention to this subject. In his remarks on the practice of measuring corn in England, he says "that the system is to measure lightly, as it is termed, by pouring it gently into the bushel measure, or by entering the measure itself into a loose heap of corn, so as partially to fill it, and then completing the filling by the hands, and afterwards passing the strike, or wooden ruler, along the top of the measure, when a little more than full, in order to scrape off the superfluous parts." "By our ancient laws," he continues, "it was illegal not only to require more than eight bushels to the quarter of corn, which appears to have been a common practice, but even to shake the bushel in measuring corn, which process compresses it into a smaller space, and therefore requires a greater quantity to fill the same measure." (Page 68.) But although the difference between measuring lightly and carefully has been found by experiments to be nearly one per cent. in oats, and about three-fourths per cent. in wheat, yet the British statute 5 Geo. IV, passed June 17, 1824, for ascertaining and establishing uniformity of weights and measures, omits altogether the provision of the ancient laws, and leaves this refractory subject to the care of the buyer and seller. The only particular in which any provision of this statute approximates to a regulation of the mode of measuring is in regard to things commonly sold by heaped measure, such as coals, lime, fish, (pilchards,) potatoes, and fruit, in regard to which, after fixing the shape, diameter, and capacity, of the bushel for measuring such articles, the statute directs how it shall be heaped, namely, "in the form of a cone, such cone to be of the height of at least six inches, and the outside of the bushel to be the extremity of the base of such cone." In regard to goods not commonly sold by heaped measure, the statute directs that, "in using the same, the measures shall not be heaped, but shall be stricken with a round stick or roller, straight, and of the same diameter from end to end." In no other particular does the statute regulate the mode of applying the established standards, whether of weight, length, or capacity; and in this excepted case, it may be remarked, the statute seems to fix what shall be the standard measures of such articles, as much at least as it regulates the mode of applying such measure.

The experience of England would, therefore, seem to be opposed to legal regulations for the application of weights and measures; or, if it yields this opposition at all, it does so only in regard to certain articles which are not, from their nature, susceptible of accurate admeasurement, and in the measuring of which, if there is a precise adherence to the level of the top of the measure, there will be a deficiency. The allowance to correct this defect is, therefore, reduced to as much certainty as practicable, by the enactments of the statute. In other cases, exact measure being the right of each party, it is left to the parties, by their own stipulations, or to custom, which is the result of general agreement, to correct any supposed defects in the mode of using or applying the standards, or rather the weights and measures derived from them. Whether, in general, they can be effectually corrected in any way, is, in the opinion of the committee, a matter of great doubt; and whether it is within the power of Congress to correct them, unless they occur within the range of the custom-houses, or in cases subject to the like jurisdiction, the committee have already intimated to be, in their opinion, also matter of doubt.

The obvious and indispensable duty of Congress is, in the judgment of the committee, to "fix the standard of weights and measures." It has been too long delayed. The injustice and inconvenience of further delay are undeniable. If the Treasury Department was not at present in prosecution of a work which will probably tend to legislation upon the subject, the committee would deem it their duty to ask leave to present a bill; but having no doubt that the object of the memorialists and the general good of the country will be promoted, and that the final duty of Congress will be facilitated by the completion of that work, the committee submit the following resolution:

Resolved, That it is highly expedient that the Treasury Department should complete, with as little delay as practicable, the fabrication of standards of weights and measures, for the supply of the different custom-houses of the United States, upon the principles set forth in the reports of the Secretary of the Treasury to the Senate, on the 3d March, 1831, and 20th June 1832.

No. 1.

House of Representatives,
February 13, 1835.

Sir: For the information of a select committee of the House of Representatives, upon the subject of a standard of weights and measures, I am requested to ascertain from the Treasury Department the present state of the proceedings referred to in a report of the 2d July, 1832, by the Secretary of the Treasury to the Senate, in regard to the fabrication, at the United States arsenal in this city, of the necessary standards, and also of weights and measures, for the use of the custom-houses of the United States. It is material to the committee to learn to what extent these standards have been fabricated, and whether any of them have been distributed for use, and to what places. Any other information which may show whether the Treasury Department expects to supply these standards to the different custom-houses, and within what probable time, will assist the committee in deliberating upon the subject referred to them, and it is respectfully requested.

I am, respectfully, your obedient servant,
HOR. BINNEY, *Chairman.*

Hon. Levi Woodbury,
Secretary of the Treasury.

No. 2.

Treasury Department,
February 14, 1835.

Sir: Your communication, dated yesterday, was duly received, and I transmit, herewith, copies of the correspondence between the Department and Mr. Hassler, on the subject of the standard weights and measures; it contains all the information which it is in my power to furnish.

When replies shall be received from Mr. Hassler to the queries remaining unanswered, it will give the Department pleasure to communicate a copy to the committee.

I remain, very respectfully, your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

The Hon. Horace Binney,
Chairman Select Committee, H. R.

P. S. So much of the letter of Mr. Hassler of the 18th July last, referred to in the letter from the Department of the 29th of the same month, as relates to the subject of weights and measures, is herewith transmitted. Mr. H's letter of the 19th, also referred to in the same letter from the Department, relating to his compensation, is not sent.

No. 3.

Treasury Department,
July 14, 1834.

Sir: I have to request that you will inform me what progress has been made by you in the construction of the standards of weights and measures directed by the Department to be prepared for the use of the respective custom-houses, together with an account of the state of the business at this time.

I am, very respectfully, your obedient servant,
LEVI WOODBURY.
Secretary of the Treasury.

F. R. Hassler, Esq , *Sup't, &c ,*
Standard of Weights and Measures, N. Y.

No. 4.

Extract of a letter addressed to the Secretary of the Treasury, from F. R. Hassler, dated

Fire Island Beach,
Opp. Babylon, L. Island, July 18, 1834.

Mr. Samuel Schmid, my assistant in my works relating to weights and measures, and hydrometers, has informed of his determination to leave his place next month. This occasions me to make you the following proposition in relation to these works, and the manner to supply his place.

The nature and aim of these works are known to you, from your own proposition relating to them; from my report upon the weights and measure comparison, and the letters of the Treasury Department thereto relating, and the full series of the documents relating thereto has been replaced in the Treasury Department from its loss in the conflagration.

The circulars for calling in the foreign weight and measure standards intended for my next comparison having not been made last year, as I had requested, I have taken measures, by private correspondence, to supply them, but nothing has as yet arrived, and it can be expected only for next winter. The brass out of which the actual standards for the Department and custom-houses are to be constructed has also been ordered, and may be under way.

Besides that, the object of the establishment is to present to the Governments of the different States an establishment where accurate standards can be obtained from proper authority, which they would apply to for the introduction of the (so much desirable) uniformity in the country at large, which is the only means by which this aim can be obtained in this country, where every legal interference would be disliked. It is easy to see how much this aim will be favored by the introduction of this uniformity in all the custom-houses in the country, by whose weights and measures so much of the general commercial intercourse is regulated; this uniformity being, besides, required by the laws established upon the collection of the duties.

In relation to the time from the 2d August, 1832, to the present time, I take the liberty to recommend to your favorable consideration the correspondence that lies in the documents upon the subject of the weights and measures during the last months of March and April, &c.

I have the honor, &c.

No. 5.

Fire Island Beach,
Opp. Babylon, L. Island, July 27, 1834.

Most honored Sir: Your favor of the 14th instant reached me last night. The circumstance of my assistant in the works for the weights and measures leaving his place having occasioned me to write to you a letter upon the whole and the present state of the work, just at the same time as your letter was written, I may be allowed to refer to it as an answer upon your letter; and I would not add to it more than that I have, a few days ago, obtained information of an able brass-founder in New York, by whom I may have the castings made, for which the establishment made at the arsenal at Washington was intended, that I may therefore likely avail myself of his services when I get the metal, which has been ordered. I directed Mr. Schmid to bring with him to New York the filing part of the apparatus for adjusting measures, which is in need of being renewed, for which I found out a workman in New York.

I have just, in the correspondence for procuring what is mentioned in my letter, all the activity possible, received some of the information, but not yet the standards. I shall continue this actively, and have just now a letter begun relating to the same.

I have the honor to be, with respect and esteem, your obedient servant,

F. R. HASSLER.

Hon. Levi Woodbury,
Sec'ry of the Treas'y, Washington City.

No. 6.

Treasury Department, *July* 29, 1834.

Sir: I am in the receipt of your letters of the 18th and 19th [27th] instants, and have to state, in reply, that I regret it seems to be inferable from your communications, that further progress in relation to the subject connected with this Department, (viz: to the prepartion of weights and measures,) must be suspended until next winter. It is very desirable that the new weights and measures should be completed at the earliest day practicable. In the mean time, it will be obvious to you that no additional compensation can be granted until the work shall be resumed here by yourself, or some assistant. And whenever it shall be so resumed, I will be happy to lay before the President all the papers, in order to take his opinion on the propriety of a new arrangement as to the compensation, or as to finishing the work at the mint, if your engagements on the coast survey should be such as to preclude due attention to this matter.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of Treasury.

F. R. Hassler, Esq.,
On coast survey, Long Island.

No. 7.

Washington City, *January* 24, 1835.

Most honored Sir: Having returned to Washington for my winter's work, though very late for the quantity of work that lies before me, in both my works, the coast survey, and the weights, measures, and hydrometers, it becomes my duty to address you herewith upon the latter works, which are under the direction of your Department.

I have indeed to regret very much that the impediments which have been laid in the way of my works for the coast survey, and by which this work has become exceedingly crippled, since more than four months, have delayed my arrival here until two days ago; because the severe cold days that have intervened between the middle of December, when I could otherwise have been here, and now, would have been extremely favorable to my works by the long scale that could have been obtained for the pyrometric experiments, which form the most essential part of the preparatory works required in a proper execution of the tasks that I have to perform under your Department. Your statement in your annual report of the Treasury Department, that the execution of the weights and measures would be delayed to next year only, makes it very urgent that I should occupy myself with as much assiduity as possible in the preparatory works required for the fulfilment of your promise. As all these works require an assistant capable, as well by his state of instruction as by his manual skill, to assist the principal operator, I have brought with me my son Edward T. Hassler, and take the liberty to propose to you to place him as my assistant, upon the footing of Mr. S. Schmid, my former assistant, who left the work during last summer. He has been assitant to the professors of natural philosophy and chemistry of Columbia College, in New York; and, since then, has been with the best mathematical instrument maker of this country, Mr Stancliffe, in Philadelphia, until his death some months ago: he will, therefore, be well qualified for that task. While I have to thank you for the compliments you were so good as to make me in your report, I regret that you have mentioned the arsenal, or the mint, as places where the works might be executed, because, 1st. You will find, in the documents upon the weights and measures, that the arsenal has received funds for the procuring of metal, the execution of the castings, and the preparatory rough work, that I have given persons directing it, the patterns, drawings, indications of weights, &c., for that purpose several years ago, that that establishment has not performed any of them, and has still $300 funds in hands for the purpose. However, as a furnace and shop have been built, arrangements may be made to place proper workmen there for the execution of the preliminary rough works. Upon nearer details, nearer conversations and agreements will be required.

2d. As for the mint; I stated the case to you in former time, that such works are far from its line of business. It has since been experienced, that even standard weights could not be obtained from there of the desired accuracy; and the petitions for establishing branches of the mint in New York, &c., prove that it could not be laden with any addition to its present task, which is already too much for its means. You will, besides that, find two instances, in my report upon weight and measure comparisons, of similar proofs of the insufficiency of the mint establishments for such a purpose, even only for the weights, at page 96 § 116 and 117, in relation to the mint of London, where by far too great a disparity between its standards is evident: the collection of Coelnilsh weights, in the State Department, executed at the mint of Copenhagen, the mean result of which, for the work, is given at page 33, where this mean is taken from individual results so disparate, that I did not even quote the details; which, however, lie in the manuscript minutes of my work, that I might show them to you.

It would be proper now to make as much of the necessary experiments preparatory for these works as the season may yet favor.

If it was possible, it would be proper to make also the experiments upon the expansion of the different spirituous liquors, for the establishment of the principles of the hydrometers, that is equally in my charge. This is intended to be done by the same means that I have employed for the water, as shown in my report: for this a barrel of each kind of the imported liquors, one of each extreme proof, would be required as specimens to work upon.

All these arrangements requiring necessarily some expenditure, I will not enter into details as yet, until I may be nearer acquainted with your views upon the subject. That accuracy in works of this nature needs preparations longer than may be thought at first sight, will be proved to you by the last article of the here joined "principal documents relating to the coast survey," which emanates from the Royal Astronomical Society of London, and quotes my report. The loss of all the older documents upon the coast survey, and the difficulty which I found in so frequently having to send copies to inform the Navy Department, and its various officers, upon the organization of that work, which appear to have completely vanished out of sight, determined me to the printing of them, for the easier instruction in any change in the personal of the Department in which the work may be. Under this form they will better be kept together in due order, and also the views will be presented which have been taken of the work by the public capable to judge of it.

I have the honor to be, with perfect respect and esteem, most honored sir, your obedient servant,

F. R. HASSLER.

Hon. Levi Woodbury,
Secretary of the Treasury.

No. 8.

Treasury Department, *January* 28, 1835.

Sir: I have to state, in answer to your letter of the 24th instant, that I will be happy to have from you a special report of the means and facilities which now exist at the arsenal in this city for proceeding with the making of weights and measures. If suitable means and accommodations are not there, I should like to know how soon, and at what expense, they can be provided. I wish also to be informed how soon the metal and workmen can be obtained, if not here, to begin the work; and how soon the weights and measures can probably be finished, and the expense of completing them. You will be pleased to add such other details as may be deemed important, and especially how much of your own time can be spared to oversee the work.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

F. R. Hassler, Esq.,
Washington.

No. 9.

Washington City, *February* 2, 1835.

Most honored Sir: To answer your favor of the 28th ultimo, it was necessary for me to visit the establishment made at the arsenal for the casting of weights and measures, the execution of which appears to be your principal aim and view at present. Sickness, lameness from a fall, and bad weather, united to postpone this visit until last Saturday. I can, therefore, only now have the satisfaction to answer properly as follows:

1. The furnace and buildings are apparently in good order, and available. Though the trials for melting metal, made by the commanding officer of the establishment, are said not to have been successful, there is no doubt that an experienced caster by profession will be able to make the furnace fully serviceable, at least with a small expense.

2. The commanding officer of the arsenal has offered the temporary use of a proper lathe, moved by the steam engine, for the turnings required, as it may easily be spared at intervals sufficient for the purpose of our work.

3. The forming for the castings, the filing, and other works of that nature, can easily be established in the same building where the furnace is; the only expense will be a work-bench, a couple of vices, (which may, perhaps, even be spared from the arsenal,) and the files, materials for the forms, in sand, boards, and similar smaller things, that are well known to be like provisions, that must be consumed in such works.

4. By information from the gentleman through whose intermediation I had ordered brass from the Grisons, I understood that it has been delivered to our consul at Trieste, but the State Department has not yet received any information if or how it has been shipped for here. I have therefore desired that a letter be written to him to press the subject.

5. The arsenal is in possession of a great quantity of copper, and of a sufficient quantity of zinc, of which as much as may be needed for considerable work is offered to be transferred, whenever desired; this may be made available by the following means:

6. I present to you, herewith, two samples of metal made about two years ago, by a gentleman now in this city, upon my private request, and expressly for the very purpose of presenting the kind of metal required, and a choice of it. The flat bar is real brass, in the proper proportion of its component parts, as needed for our purpose; the cylinder piece is proper good cannon metal, (a thing which has always yet failed in former attempts in this country.) It will be possible, by means of this gentleman, to make either one in the establishment at the arsenal, to any quantity needed for our work.

7. In respect to workmen, it will be necessary to procure what is called a former for the casting, another laboring man to attend the furnace, and filers and turners in proportion of the work that may be on hand at a time, either one or more, whenever castings may have been obtained to occupy them.

8. By these means it will be in our power to execute the necessary works in the most advantageous manner. The cost of these things will in fact not be very great, and thence, of the different objects to be made, will therefore depend on the propriety, not the nominal delusive cheapness, of the arrangement that I herewith propose.

9. The habit, prevalent in many similar operations of the Government, of procuring the objects by contract, and, if not suitable, rejected, is for this purpose inadmissible, and bad, as well as uselessly costly, because the contractor would, on one side, naturally calculate upon having some rejected, and therefore charge so much a higher price for each set or individual part, in order to recover his loss; and on another try to make pass as admissible, though imperfect, such as have not very great defects; and thereby the whole would get a slovenly character, while actual standards should distinguish themselves by the greatest uniformity and neatness in all respects. Their credit depends upon these qualities being evident. The bad appearance of defects in this may be seen by some of the standards in the State Department, received from England.

10. The celerity in the execution of the work, therefore the time when a certain quantity may be finished, will, of course, depend upon the number, the ability, and the faithfulness, of the workmen engaged, and a proper guidance and superintendence of them. I shall, therefore, recommend for this end always such means as will present themselves best appropriated, at any time, when the establishment will be in activity.

11. As you did not mention the number of sets of standards that you wish to have executed at first, nor of what individual parts each set is to consist, it is, of course, utterly impossible to name any specific sum of money that they would cost. Besides that, by the arrangement proposed above, as really the only good one, the cost will show itself by the results obtained, and the accounts

of the establishment, compared. How those sets of standards shall be properly graduated, to present the most advantageous and complete results, will be a subject for nearer discussion.

12. A number of preparations for the adjustments are to be made, for which I just took the liberty to propose to you the appointment of the assistant, mentioned in my former letter, besides the guidance which he would have of the work at the arsenal in my absence; as, for instance, the putting in order and readjustment of the balance which ex-President Adams caused to be constructed for his comparisons of weights, and which is now here with me, the construction of one larger one, the arrangement of the filing apparatus for the length standards, (belonging to the coast survey collection of means,) the files of which I have given to be cut over again at Paterson, N. J., they having been entirely dulled by former use. For the capacity measures, and even the weights, some grindstones, of different grains, an emery plate, &c., well evened, will be required, which will have to be properly adjusted; all these arrangements exist not in the common metal workshops.

13. By these means united, and each in its proper line, the standards are to be brought within the limits of the ultimate last adjustment by myself, as the weights and capacity measures within the limits of accuracy, for which my balances on the hydrostatic principles are intended; the length standard within those that the microscopic scale for comparison shall ultimately decide.

14. How much of my own time I may be able to give to these works will depend on the ultimate result of the present state of the coast survey works, because, as I have stated to the Secretary of the Navy, if it should be persisted in depriving me of the proper means, stipulated by my contract, to execute that work as it deserves to be executed, and honorably, I should propose to the President to go back to my contract of 30th of April, 1831, upon the weights, measures, and hydrometers, exclusively, and relinquish the coast survey entirely, as you know that I proposed last spring in foresight of these difficulties, though they were not then foreseen by the President and yourself. If, on the contrary, the proper measures are taken for the relief of that work, and my activity in it, I should have to devote to it all my time in summer; and I would, by the proper activity of my assistant, and the men employed in the weight and measure works, during that time, for which the above organization, established during my present stay here, is intended, be provided for next winter with such sufficient work as would occupy me personally for the final adjustments during a great part of the winter, while my assistants in the coast survey would no less, under my direction, execute the plotting and the mechanical calculations; and I would, in evening and night, (my habitual time for such works,) execute my task of the higher calculations, and the organic arrangements of the work, as it is the proper organization of the work.

15. By this means, you will see that the following spring a proper result of weight and measure standards could be presented, of such extent as would be appropriated to the means that I may be provided with, and in a similar manner in future, according to the views and plans that may be entertained upon these subjects, and the means at my disposal.

16. In relation to the hydrometers, which you did not enter into, I must as yet limit myself to what I have stated upon it in my former letter, as the experiments thereto relating would be the individual work of my assistant and myself.

I have the honor to be, with perfect respect and esteem, most honored sir, your obedient servant,

F. R. HASSLER.

Hon. Levi Woodbury, *Sec'y Treas'y, Washington.*

No. 10.

Treasury Department,
February 5, 1835.

Sir: In reply to your letter of the 2d instant, I have the honor to inform you that, before I can consent to the further progress here of the manufacture of the standard weights and measures for the use of the respective custom-houses in the United States, by the appointment of a person as your assistant, it will be necessary to ascertain whether you, as the principal director of the work, can devote a sufficient portion of your time to that object to ensure its completion within some reasonable period. The number of sets required, I supposed, had been arranged between you and my predecessors. In a letter to you, under date of April 30, 1831, it was stated that two sets would be wanted as standards here, and also other sets for all the custom-houses in the United States. The number of those houses is about one hundred. In another letter, of June 18, 1831, you were desired to proceed "to cause the number of standards, heretofore proposed, to be constructed with the greatest possible accuracy, to be disposed of as may have been or may hereafter be directed," &c.

What progress has since been made in this work, and how much has since been expended in it, by you or your assistant, it is also desirable to me to know, somewhat in detail, before any further expenditures are incurred in this city; and how soon, and at what expense, the number of weights and measures, indicated to you in 1831 as wanted, can well and judiciously be completed. The number of pieces in each set, which you mentioned, in conversation yesterday, as not yet arranged, and as proper to be presented before forming an estimate, I supposed would depend upon what service and usage had indicated to be proper in similar cases, and, consequently, would be well known to yourself.

For the measure of length, it is believed that a yard is all which may be necessary; for the dry measure a bushel and half bushel; for liquid measure, a gallon, quart, and pint; and for weights, a pound troy, and a series of avoirdupois weights from 1 to 5, with a 10, 20, and 50.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

F. R. Hassler, Esq., *Washington.*

No. 11.

Washington City, *February 9, 1835.*

Most honored Sir: Your letter of the 5th instant, received yesterday, containing two parts, the one prospective, the other retrospective, I herewith answer, first, the retrospective part, which I can, of course, answer fully, while I must defer the prospective mostly, as mentioned to you in conversation, until I have ascertained more details upon the price of metals, the wages of workmen, and the number of properly available ones that may be obtainable, as these form the principal data to ground a proper answer upon. About the disposition of my own time, I have stated in my last all that I know about it at present.

In the retrospective I find:

1st. You mention the directions given to me by the Treasury Department in the letter of the 30th of April, 1831, to construct two sets of standards for the Treasury Department and sets for the custom-houses. The sequel of the correspondence, as well as some letters of that time, will inform you, also, that an agreement was made with the arsenal, and money advanced to that establishment for the prosecution of that aim, from which arose the building of the furnace and workshop; from which, however, no other actual result has issued hitherto, notwithstanding my assistant and myself pressed the subject, and often went there for the purpose.

Other works relating to the experiments and comparisons were, however, made by the workmen of the arsenal. Of all that, accounts, and the correspondence between the Treasury Department and the arsenal, or ordnance department direct, (which, therefore, I never had,) will inform you. But as the conflagration of the Treasury office will not have spared this correspondence, it will have to be restored from the arsenal or ordnance department.

This non-success decided ultimately to get metal from abroad, at least for the Department's standards, and I had, at the same time, the trials made, of which I sent you the results; and it was regretted then that not, at the first onset, the steps to write for brass from Calcutta had been taken.

Details you see in the same letter referred to further decision; and it was later decided to await the arrival of the metal, that was then ordered from the Grisons and from Calcutta, by the consuls of Trieste and of Batavia, to whom letters were addressed to that effect.

2d. Until the end of September, 1832, the finishing part of the report upon weights and measures comparisons, and from August, the putting in order, collecting, refitting of the packing, adjustments of the instruments for the coast survey, were alternately, and completely, filling up the time of my then assistant, Mr. Schmid, and myself, besides making patterns and a number of arrangements needed for his work, during my absence, for the weights and measures, if the arsenal should, as then again attempted, produce materials for it; upon all he had my regular instructions: he made every exertion to press the arsenal's work, where several tools were also put in order for the purpose, during my short absence from here that fall.

3d. You see, by this, that, from the moment that I undertook the work for the coast survey, in addition to the weights and measures, both being then under the Treasury Department, as well my assistant as myself worked indiscriminately at both. This was so much the more needed, as I had then not yet any assistant for the coast survey, for such kind of works as came under his services. There was a great deal of correspondence arising out of it, and in fact at all times there is work enough for the constant occupation of one secretary, to make copies of all the writings which are indispensable for the order in the works. This branch of work was increased by the conflagration of the Treasury office; the most pressing letters were immediately restored, to be at hand to act upon, and the others gradually afterwards. You find, of it, those referring to the weights and measures restored in regular order; and those for the coast survey, I have already stated elsewhere, were completed also, but the series is now broken by the great number of documents that were needed to send to the Navy Department, for its instruction upon the organization of that work.

4th. It was during the same time, also, that the bars for measuring the base line of the coast survey were put in order, brought to the proper length and adjustments. So was the time of Mr. Schmid, as assistant, pretty well occupied during the year 1833 and in 1834 until my departure to the field work at the end of May last. For this departure, many works relating to instruments, and their arrangements for proper transportation, &c., occurred during the winter. His own statement to the Treasury Department, with my corroboration, in the summer of 1833, shows, in part, his occupation, and the state of things then.

5th. The comparison of foreign standards of weights and measures is a part of the task, for a proper regulation of custom-house uses in this line. Upon this I gave to the State Department a detailed statement of what was needed, to procure it by means of the legations and consuls abroad. The State Department not having acted upon it, also the task of this correspondence fell upon me, with the assistance of Mr. Schmid. It required that to men of science, or other able acquaintances of mine in Europe, I had to write letters, giving first an account of my own work, and the requisites which I wished were to be stated with such varied details as I knew appropriate to the places or countries from which I requested communications, joining every time some copies of my report on weights and measures, (of which I had six hundred copies printed at my expense,) and the general statement handed in before to the State Department. From this we may expect soon to get some results: they can in no case be expected immediately, as such works are not ready at hand, and (as you see by the judgment of the Royal Astronomical Society of London) the care which they require to be faithfully made takes up considerable time.

6th. It must be observed, on this part of the weight and measure work, that, as almost all European States have made a complete revision of their metric systems, since the French system was established, all the former instructions upon reductions, in older cambists, have become either obsolete or uncertain, and the reductions needed for every foreign invoice are pretty much at random, depending on the individual ideas or knowledge of the calculators, which, of course, must be different in the different custom-houses. Therefore, it was intended to form, from the comparisons thus established, a proper legal instruction for all the custom-houses. Perhaps this enumeration is among the documents of the weight and measure works that were restored.

7th. You know how frequently the Treasury Department changed during these times, and you may easily judge how this delayed all operations and decisions, and that the want of answers upon other subjects must have deterred from making detailed propositions upon such things as were entirely unknown in their main parts, which reduced my activity, in this respect, to my private exertions. The changes of the commanding officers at the arsenal were, in the mean time, still more frequent. Every one attempting anew to produce something, raised new hopes, which were tried to be fostered by my assistant, during my absence; still, hitherto, nothing has been realized.

8th. When, last spring, the coast survey was transferred to the Navy Department, Mr. Schmid, my assistant for the weight and measure works, took the resolution to go off, and resign at the end of the quarter, which had begun near a month before I left for the field work of the coast survey. He put every thing in order, made an inventory of the objects belonging to the work, between the time I had left and the 2d August, end of his quarter, when he actually resigned, and left, as you will find the proofs of it in the documents.

9th. Upon the expenses incurred between the time of my tendering the report upon the weights and measures, and the leaving of my assistant, the accounts which he rendered will inform you. I recollect from them nothing else, but that, in signing my "approved," I found them trifling. Details it would of course be impossible for me to recollect; they were almost nothing but small office expenses, which, by the arrangements with me for the work, were properly chargeable, and, therefore, also passed by the accounting officers.

10th. That the standard sets of the State Department, of any description, cannot serve as a guide for the sets to be made for the custom-houses, is evident, by the table of pages 30 and 31 of my report, which shows that they are calculated for gross weight, while it was intended to make, according to the habit now in New

York, all only neat weight. I suppose this will still be intended; and it is evident that the set of weights given to the custom-houses decides this question.

11th. A similar question, in some measure, lies in the capacity measures between the coal bushel and the Winchester bushel, of which, I think, the latter will be accepted alone. In the liquid capacity measures, I suppose, also, that, as intended, the habitual wine gallon, and its subdivisions alone, will be adopted; but I should like to advise to give rather a more complete set of its subdivisions, as it will prove convenient in practice.

12th. To your statement, that the linear standard measure shall consist only of a yard, I must take the liberty to add that this yard shall be divided into one hunpred parts, as the usage of the custom-houses is to use that subdivision of it, and it is proper to give it in the standard.

13th. The decision upon the individuals of a set of standards, in general, depends upon the individual use to be made of them. Science minds in it principally, only, the proper establishment of the unit of each kind, and the most important part of that consists in the previous philosophical experiments that form the elements of their establishment, and, according to which, also, their value is nominally stated. Upon these, and the proper choice in the legal expressions of these units in relation to them, the value of the work, its merit, and therefore, also, the credit and confidence which the system acquires in the public, entirely depend; as, for instance, a capacity measure stated by its dimensions in inches, or another linear measure, like in the old English system, would acquire no sort of confidence; they must be stated in weight of distilled water at the temperature of the maximum density of it.

14th. Upon the same principles, also, the standard sets to be deposited any where must be worked, as a natural consequence of the establishment of the principle. Therefore, also, the same kind of experiments that I have begun must be continued parallel to this construction, under the different individual views and kind of their application; as you will see the consequence of the influence of the material upon the capacity, by the temperature, upon page 202 of my report, in the table, after "capacity of weighing at maximum," that the glass vessels give this maximum at 41 deg. 6 min. Fahrenheit, and for copper at 44 deg. 6 min. I had also a sheet tin bulb made, with which I began to observe since the report, but the return of warmer weather interrupted me, before its result in that respect could be obtained. Analogous statements from Mr. Van der Toorn you will find at the bottom of page 104, and at the head of page 108. It is, therefore, evident that, to give to the standards to be distributed for use the desirable confidence, a similar account must be given of them, as I gave of the comparisons of the standards, and that, therefore, the continuation of experiments is unavoidably required. I had, therefore, also continued them always, with the help of my then assistant, after my report had been handed in, as much as I could.

15th. As your letter is limited to the above subjects, in its retrospective parts, I pass over various others that would be of interest, and shall, as soon as my health allows me to go out, collect all the information I shall be able to obtain upon the mechanical part of the execution of the custom-house standards, in relation to the economical arrangements, which is the prospective part of your letter.

I have the honor to be, with perfect respect and esteem, most honored sir, your obedient servant,

F. R. HASSLER.

Hon. Levi Woodbury,
Secretary of the Treasury.

P. S. In your enumeration of the weights, the 25 lb. that I had mentioned, was, I suppose, by a slip of the pen, omitted. You will see that it is necessary to complete the means to form 100 lbs. by the composition of all.

No. 12.

Treasury Department,
February 13, 1835.

Sir: In answer to that part of your letter of the 9th instant, respecting the standard of weights, I have to remark, that standards of nett and not of gross weights may be prepared, with a 25 pound weight, if you deem it proper. When you shall have reported upon the other points now before you, the Department will be happy to decide on the next measures to be adopted in relation to the progress of the work; but, as formerly suggested, it cannot authorize any new expense until such a report is received and considered.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

F. R. Hassler, Esq.,
Washington, D. C.

No. 13.

House of Representatives,
February 16, 1835.

Sir: I have received your letter of the 14th instant, and the correspondence to which it refers. Upon the perusal of these papers it occurs to me as material to inquire whether, in your opinion, the Treasury Department has already a command of the means necessary for the prompt fabrication of standards, and, also, of weights and measures, and for distributing a supply of them to the different custom-houses; or whether any further action by Congress, either by appropriation or otherwise, is deemed necessary or proper to this end. In the latter case, it will assist the committee to know the measure which you deem the most expedient for a prompt attainment of the object in view.

I am, sir, respectfully, your obedient servant,

HOR. BINNEY,
Chairman Select Committee.

Hon. Levi Woodbury,
Secretary of the Treasury.

No. 14.

Treasury Department,
February 16, 1835.

Sir. In reply to your inquiries of this date, I have the honor to state that, if by "the means necessary for a prompt fabrication of standards," &c., is meant the funds necessary to defray the expenses of their fabrication, the Department has a sufficiency for that purpose, which, under the constitution and general act of Congress on this subject, mentioned in the last annual report, have been considered subject, legally and appropriately, to the accomplishment of that purpose.

The undersigned, finding that all the expenditures hitherto made for some years had been made under that impression, has not specially investigated the correctness of it; but if any doubt exists on the subject with the committee, he feels anxious that it should be removed by a special appropriation.

But if by "means," &c., is meant proper materials for the weights and measures, suitable workshops, and skilful laborers, the reports of Mr. Hassler must be referred to as containing the best information in the possession of the Department on that point. No doubt exists of

Mr. Hassler's talents as a superintendent, and he has pressed a strong conviction of his ability to obtain the materials and laborers, with appropriate accommodations for casting, &c., at the arsenal in this city. But the committee will perceive, by the correspondence which has been furnished, that the Department is not willing at this time, on its own authority, to incur further expense in accomplishing the work here, until Mr. Hassler furnishes further details showing the expense and conveniences of doing it.

The intention of the Department, as indicated in the annual report, is, if the estimates and statements soon to be exhibited by Mr. Hassler should not be satisfactory as to a continuance of the work here, to procure the standards, and the requisite number of weights, &c., to be made at the mint, if found, on inquiry, to be practicable and economical. But, in that event, the extra costs, expenses, &c., were intended, like those heretofore incurred in the progress of this undertaking, to be charged to those incident to the collection of the revenue, and which are paid out of the gross revenue collected, before it is, in due form, carried into the Treasury.

The necessity of proper and correct weights and measures, for the due collection and assessment of duties, is so obvious that my predecessors, under the provision in the twenty-first section of the act of Congress passed March 2, 1799, and before referred to, have proceeded thus far to provide for each collector the standard as to weights and measures there authorized, at the public expense, by employing Mr. Hassler in this city, and by paying him in the manner usual in similar cases, as to similar charges in the collection of duties.

Until a further report, as previously suggested, is received from Mr. Hassler, the Department is not able to state whether a change in the place and mode of making the standards and weights would be necessary to ensure due economy and promptitude; but, unless otherwise provided by Congress, it does not intend to authorize further expenses on this subject, except at such place and in such manner as, on full examination and careful estimates, shall seem likely to be most conducive to accuracy, and, at the same time, an early accomplishment, at a reasonable cost, of a work so very desirable.

Yours, respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

To Hon. H. Binney,
Chairman of Select Committee.

No. 15.

Treasury Department, *February* 24, 1835.

Sir: Since my communication to you of the 14th instant, transmitting certain information relative to the work now in progress, of preparing standard weights and measures for the respective custom-houses in the United States, the enclosed copy of a report from the superintendent, Mr. F. R. Hassler, giving more detailed information upon the subject, has been received, and which I now have the honor to transmit for the respectful consideration of the select committee of the House of Representatives.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. Horace Binney,
Chairman Select Committee, &c.

No. 16.

Washington, *February* 21, 1835.

Most honored Sir: By the information obtained at the arsenal, and from other sources, I am enabled to present to you some nearer details relating to the price of metal, and the works that will be needed for the construction of the standards of weights and measures, as follows:

1st. The copper of the arsenal has been refined in New York, and there is a considerable quantity on hand. It is in square plates of about fifteen inches sides, and about two inches thickness; therefore it will need to be cut up into strips to procure an easier melting. The price of it is twenty-five cents per pound.

2d. Of zinc, it was found that none was on hand; the commanding officer said, as they used only little of it, they were in the habit of buying it as they had use for it, and the price was five or six cents per pound.

3d. The wages which they paid to their workmen were thus stated, at per diem:

To a turner, from $1 80 to $2.

To a filer, from $1 50 to $1 80.

To men attending the fires, assistants to the blacksmiths, and similar works, from $1 25 to $1 50, according to the nature of the work and the quality of the workmen: these were the average prices; and that when, as is often the case, they used enlisted men, they stood them at about the same rate.

4th. The quantity of metal that an executed set of standards will contain, when worked out, may be determined thus:

One set of weights, as stated in your letter of the 5th instant, will weigh - - -	121 lbs.
One standard yard, with its matrix, according to the form proposed in my report, may be rated at - - - - - - -	22 "
A bushel, as given by the mean of that of the State Department and that of New Hampshire, was found to weigh - - - - -	67 "
The half bushel may, from that, be rated at -	40 "
A quart measure, for liquid, weighed - -	4 "
A gallon may, from that, be rated at - -	14 "
A pint may be rated at - - -	2½ "

5th. Thus a set of standards, worked out, would present an approximate weight of metal of 270 lbs.; but to yield so much metal, worked out, will require an additional weight of the rough, clear casting, of from 25 to 30 per cent. over this; adding, therefore, about 75 lbs. This amount of clear, rough casting, will need, as well for the overcasting as for the loss of metal in the furnace or crucible, another addition of about 8 per cent., making about 27 lbs.

The rough metal needed for a set of standards will, therefore, amount to about 372 lbs.

Of the overweight, however, much is recovered by the remelting of the overcastings and the parings of the turning, which will be remelted; the filings, on the contrary, it might rather perhaps be advisable to dispose of otherwise, as the iron they always contain might be more injurious to the castings than their economizing would do good.

6th. These data will therefore serve as a guide for the quantity of metal needed for the custom-house standards. The price of it, rated from the above, will have to be guided by the price of the copper, as it is the far greatest part of the compound, and the zinc disappears almost in this calculation of the weight. So, the rough metal of a set of standards would cost, for the metal, the amount of about $93; but, on account of the metal regained by melting over the overcasts and parings of the turning, this may be rated at $80.

7th. To calculate the price at which the labor would stand, presents more difficulty, because it is not easy to determine beforehand the quantity of work that may be done by a workman, without some indication about the persons employed, and their ability. The following may be the nearest approximation:

The turning of a bushel or half bushel will occupy an able workman at least five or six days.

The gallon, about three or four days.

A quart and a pint measure may be executed each in one day.

Of the weights, several may be executed in one day; so that the ten pieces forming a set may be executable in six days.

The standard yard, being all filing, will require at least six days.

If the standards of liquid measure were to be executed in the same form that the English have been, they would require at least threefold the time, and be more than three times as expensive.

8th. These are the principles upon which an estimate of the cost of the works, after casting, may be grounded; the approximate cost of this part of the labor of a set of standards would thereby be about $60. These works requiring the best workmen in their line, and their greatest care, it is not likely to find a great number of them, nor any at a lower rate than $2 per diem.

9th. Another item to be taken into account in this part of the work is the following: The arsenal establishment is willing to lend the use of a power lathe, vices, and such like; but the power lathe, carried by a steam engine, can only serve for the swift turning out of the rough casting. For the finishing turning, it is required to have a very accurate lathe, turned by a small handwheel, so as not to occasion any oscillation by a velocity not at command; with a sliding rest of more minute accuracy than commonly applied; the whole of perfect solidity. This it will be necessary to establish independently; (it is, in fact, not existing of sufficiently good quality in any common workshop.) The expense of it will not be very great, particularly in comparison to its indispensable services, suppose about $300, or even less. Only able workmen in mathematical instrument making can be employed at this finishing work.

10th Files, turning chisels, and such like tools, or means, are, of course, a running expense, that will, after the first establishment, occur gradually; they may be rated at fifteen or twenty dollars a year for each workman.

11th. For the casting part, the average expense of a set of standards is less calculable, at the present moment, than for the working out of them. By the information which I obtained in the State Department, the consul of Trieste has not yet communicated any information relative to the shipping of the brass, which he shall have received; and the consul of Batavia having not written to the Department since two years, no information of any kind could be obtained in relation to his action in the case.

12th. These delays for the procuring of brass from the Grisons and Calcutta show that it might lead in future even to similar delays, in the course of the work. Hence it will be most advantageous, and, probably, yielding other valuable benefit, to make the brass needed for these works upon the spot itself; the samples which I presented to you show the possibility of it. I must repeat, that the brass made for ornamental purposes, merely to produce a yellow metal, of more or less successful brightness, but without the necessary quality of uniformity of property, is not admissible for the standards, being in all its qualities a mere accidental result.

13th. Copper can be procured, as much as may be desired, either from the arsenal, or otherwise, and it may be refined when needed; the zinc is very cheap now, but its purity is uncertain; and, still, upon this purity depends the quality of the brass made by its admixture to the copper, into which it is to be introduced by volatilization. If the zinc is mixed with other metals, as bismuth, arsenic, &c., the results become very uncertain.

14th. Notwithstanding this cheapness of the common zinc of commerce, it would therefore appear advisable to put under experiment the rich, as yet unexplored, ores of zinc that have been found in Pennsylvania and New Jersey, which, according to the information I have of them, would be well worth a proper analysis, the result of which would decide; the expense of the first chemical analysis would be but a few dollars. Upon their presenting good prospects, it will be necessary to operate with them about upon the scale of their application, for which a certain quantity would have to be brought here, which would cost almost nothing more than the transport, as the ore has not yet any value; such a trial would cost perhaps one hundred dollars, which success would amply repay. If this operation is made, success could, for the whole, be so much more warranted, as the gentleman whom I should wish to undertake it can be fully relied upon in every respect, being practically acquainted with the process employed in the Grisons, from where brass was intended to be procured; at all events, trials would occur in future with every new purchase of zinc, to adapt its treatment to the difference in quality which it might present. Upon the cost of employing this gentleman for the purpose I could not yet speak, as it would depend on the arrangements that might be made, which will depend upon your decision.

15th. This process of making the brass ourselves would, of course, require some additional arrangements for the melting; but, by the general estimate that can be made of it, about two hundred dollars would cover the whole of it.

16th. The formers, the workmen attending the fire, the casters, and similar, may be rated in wages at about $1 50 per diem; four or five would suffice for all the manipulation. The expenses for patterns, forms, formsand, and such like, would be made, once for all, in the beginning. Some of the first casts, roughly worked out, should be taken as patterns to cast from, as the wooden patterns would not keep their proper shape long enough accurate; they would in time be worked up as well as any others, therefore be no loss; the item of these expenses might be rated at about $150. The rate, in time, at which castings may be produced, might be stated at two or three full sets per week.

17th. The consumption of charcoal and wood remains, then, the only object to be estimated; this is, however, proportionally only a small item, and cannot be stated properly before a trial would have been made. I may therefore abstain from placing it here at random.

18th. So far as weight of metal and the working out of the standards is concerned, it results, from the above, that a set of standards would come to about $150.

The addition of the expense of casting, fire materials, tools, attendance, and work, might be rated at perhaps the same as the expenses of working out. So that it might be allowed to state, as general result for the whole ultimate cost of a set of standards, brought to the stage of being submitted to the final adjustment, the sum total of $240. The quality, therefore, success being secured by the nature of the establishment, no deduction is to be made from the results, or addition to the expense, on the score of defect, insufficiency of quality, and such like.

19th. The additions required to the establishment now existing, for the final adjustment and comparison, of which I have given an idea in my former letters, are of but trifling amount, in point of expenses; perhaps $100 would cover them all—at least not more.

20th. The time in which a certain quantity of work may be furnished by the establishment proposed to you with the present, may be deduced with sufficient approximation from the above. The establishments, and therefore also the decisions first to be made, are evidently those relating to the castings. During the time that this part is put in order, and work produced in rough casts, the workmen for the turning and filing can be procured, and then be put in activity, when a certain quantity of castings will be ready to employ them constantly: then the casting will proceed, most likely, quicker than the other works; though it will be proper, most likely, to employ a double set of workmen for the working out, namely, the first turners out of the rough upon the lathe of the arsenal, who may be more common workmen, and therefore be obtainable at $1 80, like in the arsenal, though they must necessarily be skilful and able in their line of work; and the finishers, for which part only few workmen will be found habituated to sufficient accuracy, and therefore satisfactory. I may only add yet the remark, that no establishment in this country is further advanced in the means of procuring the aim of accurate standards than that which I herewith propose to you; that, therefore, neither more celerity nor more economy can be obtained by engagements with any one of them, with all the chance that is to be run, in their manner of executing any work given to them.

21st. When you will have decided upon the principles herewith proposed to you, and therefore the establishment here planned, I shall enter into nearer inquiries and particulars, to present to you such further details as you might wish.

I have the honor to be, with perfect respect and esteem, most honored sir, your obedient servant,

F. R. HASSLER.

Hon. Levi Woodbury,
Secretary of the Treasury.

POST OFFICE DEPARTMENT.

In Senate, *January* 27, 1835.

Mr. Ewing made the following report, with Senate bill No. 128:

The Committee on the Post Office and Post Roads, in obedience to the resolution of the Senate of the 25th June, 1834, have continued their examination, heretofore commenced, into the condition and proceedings of the Post Office Department; and, having made further proceedings therein, report:

That your committee met at Washington city on the 19th day of September last; and, having informed the Postmaster General that they were ready to proceed with their investigation, he provided them a room in the Post Office building, and designated the heads of bureaus and the clerks who would furnish such books and papers, copies and extracts, as might be called for in reference to the several subjects embraced in the inquiry.

One of the principal difficulties which had been encountered in the investigation during the last session of Congress was that of arriving, even by approximation, at the state of the finances of the Department. It was a subject on which the opinions of different members of your committee were widely variant, and they could determine nothing with certainty from a mere inspection of the books, or a footing of the accounts. Many very large and important items were merely made the subject of a marginal note, and that often in pencil mark. On the whole, the accounts were in a state of great uncertainty and confusion, and so extensive and complicated the transactions which they embraced, that it was deemed wholly impracticable for your committee, by their own personal labor, to balance the books, and arrive at any result at all approaching to accuracy. It was the more difficult, as the ordinary books of entry do not appear to contain the materials for a full and fair adjustment of the accounts which they purport to exhibit; as, for example: Your committee called for the account of James Reeside, and it was shown to them on the leger, where there appeared a balance against him on the 1st of April, 1834, of $54,369 07. The accounting officers, however, informed your committee that the leger did not present all the credits to which Mr. Reeside was entitled; and they have since exhibited an account containing many credits, by which there appears to be a balance in his favor, on the 1st of July, 1834, of $7,529 55, making a difference, in this single account, of about $61,000. Some of the credits, it is true, bear date between the 1st of April and 1st of July, but a large part of the amount is made up of entries which, if entitled at all to a place in the account, belonged to a date prior to the 1st April, 1834. The correctness of those several credits will be considered in another part of this report. (See doc. No. 1.)

The account of Edwin Porter, as it appeared on the leger, showed a balance against him of $21,095 99. (See doc. No. 2.)

The account of R. C. Stockton showed a balance against him of $78,170 48. (See doc. No. 3.)

All these balances were said to be incorrect; but, if they be so, they stand upon the leger in such a manner as to mislead those who rely upon the books merely, as evidence of the condition of the Department. The law expressly forbids an advance to any contractor in anticipation of his services, unless it be authorized by act of Congress; and yet, if the books state the matter truly, there was advanced to and due from contractors, on the 1st of April, 1834, $202,655 61.

This confused and imperfect, if not erroneous, situation of the accounts, together with the want of a balance sheet, brought up to stated periods, rendered it a burdensome task to put these books in such order that your committee could ascertain, by their inspection, and by the testimony of witnesses, what was the actual condition of the Department, and the balance for or against it, on the day to which it was proposed to bring down the examination.

When your committee presented their last report, they had no adequate idea of the extent of this labor. They supposed that the balances which appeared upon the books were in all cases the true balances, and that the simple process of addition and subtraction was sufficient to solve the problem. In this, however, they were mistaken.

But it being desirable that the actual state of these accounts should be ascertained, your committee, as the best mode of arriving at it, employed two individuals, skilful accountants, approved by their unanimous assent, to examine the books, and prepare a general balance sheet. Those accountants have, since about the 23d day of September, 1834, been diligently engaged, and still are diligently engaged, in their work, which, when completed and carefully examined, will be laid before the Senate. Until that be done, any report which your committee can present, so far as relates to the finances, must necessarily be conjectural and imperfect.

The state of the finances, as set forth in their former report, was drawn partly from the statement of the officers of the Department, and partly from an examination of the books by the committee or some of its members. The same must be the case now, with this difference only, that a greater familiarity with the books, and the possession of a number of statements, made out at different periods, and some additional items furnished, enable your committee to compare and contrast them; and although no one is, in their opinion, to be entirely relied on, from the whole to elicit something near the truth of the case.

In their comparative view of the revenue and expenditures of the Department, for the next four years preceding, and the four years next following, the time at which it was placed under the superintendence of the present Postmaster General, your committee noticed the difference between the statements of Mr. McLean, the late Postmaster General, and the present incumbent, as to the amount of available funds on hand on the 1st July, 1829, but could not then pronounce with certainty upon the correctness of either.

The amount of surplus funds left on hand, according to the statement of Mr. McLean, was -	$289,140 17
The amount, as stated by Mr. Barry, was	230,489 00
Making a difference of - - -	$58,651 17

Which, according to the statement of the former Postmaster General, came into the hands of his successor; but which, according to the reports and statements of the present Postmaster General, never did come into his hands. Your committee considered this a subject worthy of a more particular investigation.

Mr. Barry, in his report to the President of the 24th of November, 1829, says that there appears a balance in the books of the Department of - -			$541,680
Of which there are old balances, considered desperate, - - - -		$284,289	
Postages prior to July 1, 1828, since found to be desperate, - -		22,235	
Counterfeit money on hand,	$2,634		
Notes on broken banks,	1,672		
		4,306	
			310,830
Leaving, as the whole amount of available funds, above the amount of debts due by the Department, - - - -			$230,850

And in his report to the President of the 30th of November, 1833, the first in which he acknowledges a deficit in the funds, he, by way of accounting for that deficit, in part, says: "On the 30th of June, 1829, which was the close of the first quarter in which I had assumed the functions of the Department, the expenses which had been incurred for transporting the mail were $64,248 76 more than the amount stated in my report to that day." Thus leaving the inference irresistible, if his reports from the beginning were correct, that the surplus available funds on the 1st of July, 1829, were

	$230,850
Less by - - - - - -	64,248
And, therefore, but - - - - -	$166,602

Before taking into consideration this item of $64,248, discovered by the Postmaster General, and reported to the President on the 30th November, 1833, your committee will examine briefly the discrepances between the above statements; and they believe it is now in their power to show where the error lies.

The present Postmaster General, in his report to the President of the 24th November, 1829, exhibits as the whole amount of balances apparently on hand, which includes all debts, good and bad, which have accrued from the beginning of the Government, and which remained due, at - - - - - - -	$541,680
Of this he says there are of desperate debts, and counterfeit notes, and notes on broken banks - - - - - -	310,830
Leaving available - - - - -	$230,850

In order to determine whether this statement, if correct when made, remains so at this day, your committee called before them Mr. Hand, the Solicitor of the Department, and required of him a statement of the amount of the debts which were due to the Department on the 1st day of July, 1829, which remains unpaid at this time; and we have his report, under oath, that it amounts to about $133,298—(See Doc. No. 4.) There was presented to your committee, by O. B. Brown, chief clerk, one other paper, showing the amount carried to bad debts, profit and loss, and suspense account; by which it appears that there has been carried to those several accounts, since the 1st July, 1829, $30,889; a part of which may be chargeable to the balance reported on that day. Your committee cannot determine what part; they therefore, to avoid the possibility of injustice to the present officers of that Department, place the whole sum to that account; which, added to the $133,298 reported by Mr. Hand as still due, amounts to $164,187. This deducted from the sum of $541,680, the whole amount of debts due and cash on hand at that date, leaves $377,492 as the amount of funds at that time on hand, which were available, or which have since been made available by collections. This exceeds the amount reported by Mr. McLean as available, by $88,352, and exceeds the amount acknowledged by Mr. Barry to be so by $146,642.

Your committee have carefully examined all the subsequent reports of the present Postmaster General, to see if, in any of them, he has noticed the increased amount of that sum which was made available, and they do not find that he has, but that he leaves it still as he left it in November, 1829; and in his report of 30th November, 1833, when he first raises the additional item of $64,248 against his predecessor, he says nothing to correct this error into which, at that time, the result must have shown that he himself had fallen. What disposition has been made of the sum of $———, so collected of old balances above the amount reported as available, your committee are not yet able to determine.

It will be recollected that in a series of resolutions passed by the Senate on the 11th day of March last, it was, among other things,

"*Resolved,* That the Postmaster General be directed to transmit to the Senate a statement of the items which make up the sum of $64,248 76, which, in his annual report of November 30, 1833, he charges as the excess of expenses incurred for transporting the mail prior to the 30th June, 1829, over and above the amount stated in his report to the last-named day."

But the information called for by this resolution was not furnished. Shortly after your committee commenced their session in the recess, they passed a resolution requiring the same information, a copy of which was handed by their secretary to the Postmaster General on the ——— day of October, 1834, to which no answer was given. Your committee did again, on the ——— day of January, 1835, specially enforce it upon the attention of the Department, and, on the 24th of January, 1835, just before they were prepared to report, they received the annexed answer, marked document No. 5, by which it appears that nearly the whole sum of $64,248 76 was allowed and paid by the present Postmaster General on old contracts as *extras.* The amount of this, which was fairly and justly due to them, if any, cannot now be ascertained without very great labor, and a separate examination of each case. Some of these cases were noticed by your committee in the course of their investigation, and have place in a subsequent part of this report. They are not of a character to recommend themselves to the favorable consideration of the Senate.

The materials from which your committee prepared the state of the finances of the Department, exhibited in their former report, were, first: the statement of O. B. Brown, clerk of the division of finance, which is as follows:

Post Office Department,
Division of Finance, April 24, 1834.

Sir: The following I believe to be as correct an estimate as can be made of the present condition of the finances of this Department:

Amount due to contractors, as nearly as can be ascertained by estimate, prior to April 1, 1834,		$190,000 00
From January 1 to April 1, 1834 - -		445,000 00
Total amount due to contractors - -		635,000 00
Amount due to banks, on the 11th April, 1834, viz: loans - -	$325,000 00	
Overdrafts on banks - -	126,599 48	
		451,599 48
Total amount due by the Department -		1,086,599 48
The available amount due from postmasters is as follows, viz:		
To January 1, 1834 - -	$300,000 00	
From January 1 to April 1, 1834 - - - - -	500,000 00	
		800,000 00
Balance against the Department - -		$286,599 48

Your obedient servant,
Sworn to. O. B. BROWN.

Hon. Felix Grundy,
Chairman of the Committee, &c.

Your committee assumed the above statement as correct, so far as it relates to the debts *due* from the Department, the aggregate of which is there set down at $1,089,599 48.

But they received from the Postmaster General, on the 26th of December, 1834, another more particular statement of the financial condition of the Department, which they have herewith presented, marked Doc. No. 6, from which they will now extract the several corresponding items, and compare them with those in the above statement of O. B. Brown.

And, first. The amount due to contractors on the 1st day of April, 1834, which the last-named statement presents as follows:

1st. To old contractors, agents, and on miscellaneous accounts, prior to 1st of January, 1833, which amounts to - - - - - - - - -	$3,470 58
2d. To contractors whose accounts were still running, or had not expired prior to January 1, 1833, for services performed prior to January 1, 1834	223,484 95
There was due on the 1st of April, 1834, for transportation, which had not yet been audited, to contractors - -	49,487 80
The expense of transportation, from January 1 to April 1, 1834, was - -	454,514 22
Making the amount due for transportation	730,957 50
The balance due to banks above the amount of deposites - - - -	451,599 48
Making the whole amount of debt -	$1,182,556 98

More by $96,000 than by the statement of the 24th of April, 1834.

But it was the amount of the available funds only, as set forth in that statement, that your committee felt themselves required to examine. They are there given in round numbers thus:

"Available amount due from postmasters is estimated as follows, to wit.

To January 1, 1834 - -	$300,000 00	
From January 1 to April 1, 1834 - - - -	500,000 00	
		$800,000 00"

By the statement of the Postmaster General, of the 26th Dec., 1834, the whole balance of available funds due from postmasters prior to the 1st of January, 1834, was -	$241,610 47	
And the nett proceeds of postages from the 1st of January, 1834, to the 1st of April, 1834, was $496,677 21, of which was paid to the Department prior to April 1, $118,489 50, leaving the balance of - - -	378,187 71	
Making the whole sum then due for postages - - - - - - -		$619,798 18

Which, if there were no items introduced to vary the amount except these, the only ones exhibited in the statement of the chief clerk in April last, would leave the Department insolvent, according to its own showing, by $562,758 80.

But your committee, not being satisfied that the sum stated to be due from postmasters was correct, they caused the books which show the amount of deposites made by them in banks to the credit of the Department, within the last quarter of 1833 and the first quarter of 1834, to be carefully examined, and the amount accurately stated. They also directed to be prepared, by the principal pay clerk, a statement showing the amount of checks which were drawn on postmasters within each of the before-named quarters, for postages accruing within said quarters. That statement from the pay clerk your committee have not yet received; but, from the evidence before them, it appears that the nett proceeds of postages within the quarter ending the 31st of December, 1833, was - - - - - $467,449 00

The amount deposited by postmasters within that quarter - - - -	325,481 29
Nett proceeds of postages above the amount of deposites within that quarter -	$141,967 71
The nett proceeds of postages within the quarter ending the 31st March, 1833, was - - - - - - -	$496,677 21
Deposites in banks by postmasters within that quarter - - - - -	324,954 76
Amount of nett proceeds not so deposited	$171,722 45
Leaves the balance of postages accruing in those two quarters, which was not deposited by postmasters on the 1st April, 1834 - - - - - -	$313,690 16

The statement of the finances (see Doc. No. 6) made by the Postmaster General to your committee on the 26th December last appears to them erroneous in this, that it gives the amount due on the 31st March, 1834, for postages accruing within the quarter ending that day, at - - - - - - $378,167 71

Whereas it appears, by taking the amount shown to have been deposited in banks within that quarter from the amount

which accrued therein, that the whole amount remaining due on that day of that quarter's proceeds did not exceed	$171,722 45
By a similar process, it is ascertained that the whole amount due of the next preceding quarter was no more than -	$141,967 71
Thus making the whole amount of postages which accrued in those two quarters, due on the 1st day of April, 1834,	$313,690 16
Which, deducted from the whole amount of debts admitted by the statement of the Postmaster General of the 26th December, shown to be due from the Department, would leave its debts greater than its credits, in this part of its available funds, by - - - -	$868,866 82

The available funds which accrued prior to the 1st of October, 1833, and which remained uncollected, were not taken into the account by your committee, in their former report, because it was out of their power to examine or estimate them. Hence the balance by them struck is and was expressly stated to be subject to that reduction. Such, too, must be the case with this statement, as your committee have no means in their power of fixing its amount until they obtain the report of their accountants. The sum, however, cannot be large, unless there have been great neglect in compelling the payment of the moneys received by deputy postmasters.

There is one other item introduced into the statement of the 26th December, 1834, of which your committee knew nothing until since their former report, and did not even suspect its existence. It is a "balance against contractors for payments made them prior to the 1st April, 1834, for the current services of the quarter which ended that day, and for prior services which had not yet been placed to their credit, $284,897 38." Your committee did not suppose a fund of this character and amount existed to the credit of the Department, because they knew, by former statements, that there were very large sums actually due to contractors, for services fully and faithfully performed, in previous quarters, which the Department was bound, in good faith and in justice, to pay promptly. Those sums, actually due, were not paid for want of funds. Large sums were also borrowed from banks on interest; and it seemed inconceivable that, under these circumstances, so large a sum of money should have been advanced to a few contractors before they were entitled to receive it by the terms of their contracts. But the present investigation has satisfied your committee that very large sums were and still are due from contractors, for illegal payments and allowances of money; and that this sum at least, and probably a much larger sum, ought to be reclaimed from them, and placed to the credit of the Department. Deduct this from the above balance, and it leaves $583,969 44 deficit in the funds of the Department, as they now appear on the evidence before the committee, independently of the arrearage of postages which accrued prior to the 1st October, 1834; and independently, also, of the amount drawn on postmasters within the last quarter of 1833 and 1st quarter of 1834; which two sums, standing on different sides of the account, may nearly balance each other. The exact state of the finances must, however, be left to the report of the accountants employed by your committee. The investigation of the committee, thus far, corrobroates their former report as to the insolvency of the Department.

It appears by a letter from the Postmaster General to the chairman of your committee, in answer to a resolution of the 29th of September, 1834, that between the 1st April, 1829, and the 1st September, 1834, there had been thirteen hundred and forty postmasters removed from office. Public opinion ascribes those removals, with few exceptions, to motives of party policy. This subject seemed to your committee to require investigation; and they thought, and still think, that it fell within the scope of the authority conferred on them by the resolutions under which they acted; and that it was one of those subjects into which the Senate, as a branch of the legislative power, had a right to direct an investigation. If, indeed, the extensive patronage of this Department were so wielded as to influence, as far as possible, the political actions of men; if its numerous offices were made a subject of sale and barter for party influence and political power; if it were a part of the established system, that honest men and faithful officers should be removed from office, for no other reason than that they had ventured to be freemen, and exercise the rights of freemen and American citizens at the polls; and that their places should be filled by men having no other qualifications than those of efficient partisans and supporters of the men in power, it was of the first importance that the nature and extent of the mischief should be known to the Legislature and the people of the country; and that a remedy should be applied by law, to check, and if possible eradicate, the evil.

It was represented to the members of your committee, from sources entitled to consideration, that there were many cases in which those things had been done. That deputy postmasters, upright and honorable men and faithful officers, had been removed for no other known cause than that of their political opinions; and that there had been appointed in their stead active political partisans, notoriously deficient in talent, and destitute of integrity; and who, since their appointment, had appropriated the whole proceeds of their offices to themselves, first neglecting to account, and at last absconding with the funds; and that, in some instances, the officers of the Department had neglected to prosecute until their sureties were fully discharged by lapse of time.

Herron's Case.

One of this class of cases was that of John Herron, who was appointed postmaster at Putnam, Ohio, in the place of Henry Safford, removed. Your committee called in the first place for a statement of the date of the appointment of Herron, the time he held the office, the state of his accounts with the Department, and the measures, if any, which had been taken to collect such balance as might appear against him. In answer to this inquiry, the following communications were received on the 23d September, 1834.

General Post Office, *Sept.* 20, 1834.

Sir: It appears from the books and documents of this office, that, in July, 1829, John Herron was appointed postmaster at Putnam, Ohio. That he continued to hold that office till November, 1831, when he was dismissed from it by the discontinuance of the office on the 10th November, 1831.

The office was discontinued, as appears from the files, because the postmaster failed to make his quarterly returns, and he persisted in the neglect to do so after correspondence had, and notice given him, and because there was no person recommended to be appointed his successor.

He enclosed to the Department $125, on account of his office, in a letter, dated 18th May, 1830, consisting of notes of a bank or banks in Ohio; the bank in this place refused to receive them, and the money was therefore returned to Herron. Except this assay to make a payment, he does not appear ever to have paid any thing over to the Department, nor to have rendered any accounts.

His accounts for the whole time of holding the office have been estimated, according to law, at $558 64. The measures taken to effect a settlement will appear from the accompanying statement of the acting solicitor.

Very respectfully, your obedient servant.

O. B. BROWN.

Hon. Felix Grundy,
Chairman of the Committee on the Post Office and Post Roads.

Putnum, Ohio—John Herron, late Postmaster.

Solicitor's Office, *September* 20, 1834.

The office was discontinued on the 3d November, 1831, because the postmaster had failed to render accounts; and no person was recommended as his successor, after due notice given.

A draft was made on him October 1st, 1831, in favor of Jarvis, Pike & Co, for $500, and returned unpaid March 6, 1832.

An estimated statement of his account was sent to him on the 2d July, 1832, with notice to pay a draft for the amount. A draft was entered on the pay book in the 3d quarter of 1832, but not sent, the contractor's pay on that route being only $90 per quarter.

On the 18th of February, 1833, D. M. Sellers, postmaster at Putnam, was requested to call on him, and Nathaniel Ayres and John Kirk, his sureties for payment. To this letter no reply was received.

On the 17th of May, 1833, a copy of his account was sent to him at Cincinnati, Ohio, urging payment, and threatening suit in default thereof. No notice having been taken of this call by Herron, on the 19th day of August, 1833, a leter was addressed to Samuel Glass, postmaster at Putnam, Ohio, to notify Herron's sureties to deposite the amount due in the United States Bank at Cincinnati, Ohio. This notice was served on the sureties, as per letter of S. Glass of 10th September, 1833.

On the 18th November, 1833, the postmaster (S. Glass) was addressed as to the residence and solvency of Herron. A reply was received, stating that he lived in Clermont county, near Batavia, Ohio.

On the 6th January, 1834, a letter was writen to J. Pegg, postmaster at Batavia, and an answer received, advising this office that, after diligent inquiry, no such person as John Herron could be found in the county.

The account of Herron is still open, and suit will be instituted against him whenever he can be found.

J. G. WHITWELL, *Acting Solicitor.*

Henry Safford, the former postmaster, who was removed to make room for John Herron, the individual concerning whom the above proceedings were had, was known to one member of your committee as a man of strict integrity, and of ability to perform the duties of his office. With a view, therefore, of ascertaining on what ground a change of officers so unfortunate for the public service had been made, your committee, on the 22d September, 1834, by resolution, asked for an inspection of all the original letters and papers in the General Post Office concerning the removal of Safford and the appointment of Herron as postmaster, at Putnam, Ohio. And on the 3d day of October a letter was received from the Postmaster General, in reply, in which he denies the right of your committee to inspect those papers, and refuses to submit them to their examination. This letter, within a few days thereafter, we know not by what authority, was published in the Globe.

Your committee did not think it incumbent on them to enter into a discussion with the Postmaster General on the subject of their respective rights and duties, nor do they now think it proper, in this paper, to examine them, or to blend an argument on constitutional law with the facts which they were required to examine and report to the Senate.

This refusal of the Postmaster General to permit the inspection of these papers, on alleged constitutional grounds, which applied alike to the whole class of cases referred to, which rest on the same principles, of course put an end to this branch of the investigation. Finding the doors closed upon them here, they turned their attention to other subjects of inquiry touching the condition of the Department and the management of its concerns.

But in the examination of other subjects, one case of appointment and removal fell under their observation, and they deem it proper to state the facts and append the evidence connected with it. It may serve as one specimen of the mode of operation in such cases, and the principles and motives of the parties and of the Department.

Wyman's Case.

William Wyman had for some time been postmaster in Lowell, Massachusetts. He was removed, and Eliphalet Case appointed in his place. The committee called before them Colonel S. A. Coburn, an intelligent citizen of Lowell, who mingled hourly among its inhabitants, and had constant intercourse with the post office, (see document No. 7,) and the following question was propounded to him: "Do you know Mr. Wyman, former postmaster of this place? What was his character as postmaster?" To this interrogatory the chairman of the committee objected, but, as one of the members of the committee happened to be absent, agreed that the answer to the question might be taken, subject to the opinion of the absent member. The answer was in the following words: "I have known him very well, and I never heard his character impeached, and never heard a complaint against him as postmaster." In consequence of the objection of the chairman, and the situation of the committee, this inquiry was not further pursued; but the committee do not doubt that the evidence of Colonel Coburn presents the truth in regard to the character of Mr. W. This removal, and the appointment of Mr. Case, was effected in this manner: Mr. Case was the editor of the Lowell Mercury, a zealous administration newspaper, and received for his services as editor $300 per annum. He also held the press for some time under a deed of trust, to secure him for a claim which he had upon it to the amount of $650; and after this was satisfied, the balance belonged to Mr. Thomas Billings, its owner. Mr. Case paid a visit to Washington, and, on his return, informed Mr. Billings that he "had made application to be made postmaster; he had not got the office, but did not doubt he would get it;" and if he was appointed, as he expected, he would continue to edit the paper as formerly, without charging any thing. (See document No. 8.) After this, a printed notice was issued, calling a meeting, at Mr. Case's private room, of the democratic committee for calling caucuses, &c., in town. This meeting was held; "Mr. Case was present, and it was stated by some one that there had been complaints made against the postmaster; that he would be undoubtedly removed; and proposed that Mr. Case should be recommended as his successor, which was accordingly done." The petition for the appointment was "signed by a part of the committee of Lowell." Mr. Billings, one of the committee, attended, but did not sign the petition; and thereupon Mr. Wyman was removed, and Mr. Case appointed, acted as postmaster, and continued his services as editor; and Mr. Billings, who had an interest in the press and its proceeds, added, that he did not know that Mr. C. had "charged any thing" for these services since his appointment. In this mode, one editor of a party newspaper has been supported by the patronage of the Department. And this postmaster has not failed to profit by other advantages from his post office for the benefit of his paper. The wrappers of letters and packages, which it is customary to retain in the offices and use for sending other letters and packages, as long as they can be used for that purpose, have not been so used by him. It has been his "constant practice" to send "regularly on every Thursday, all the wrappers and papers received from other post offices as envelopes to the printing office, to be used in wrapping his newspapers. Mr. Case thought they made excellent wrappers for the Mercury. Among these papers were sometimes found articles of another description. His apprentice in the newspaper office stated that he had four times found among them "letters directed to the office." Once there was a package of letters, how many he could not tell, directed to Portland, Maine; as soon as he discovered them he returned them to the post office. (See document No. 9.

A practice has of late prevailed extensively in this Department of advertising proposals for carrying the mail on the principal mail routes in a different manner from that in which it is in fact to be carried; of receiving bids for carrying it in a different manner from that which is advertised, which are called "improved bids;" of accepting the bids as made altogether, and entering their acceptance as applied to that part of the bid which conforms to the advertisement, and immediately changing them to the improved bid, and so executing the contract; thus in effect letting or making the contract without advertisement. This is a violation of law, and has given rise to and is made the apology for other violations of law and official duty.

The tenth section of the act of Congress, entitled "an act to reduce into one the several acts establishing the Post Office Department," provides "that it shall be the duty of the Postmaster General to give public notice in one newspaper published at the seat of Government of the United States, and in one or more of the newspapers published in the State or States or Territory where the contract is to be performed, for at least twelve weeks before entering into any contract for conveying the mail, that such contract is intended to made, and the day on which it is to be concluded, describing the places from and to which the mail is to be conveyed, and the time at which it is to be made up, and the day and hour at which it is to be delivered." The clause above cited designates the only mode in which an original contract for the transportation of the mail can be legally entered into, except it be under that provision relating to packets and steamboats, which is in its terms still more special and restricted. Therefore, any original contract entered into for the transportation of the mail, which is not in pursuance of an advertisement, thus special and distinct in its terms, "describing the places from and to which the mail is to be conveyed, and the time at which it is to be made up, and the day and hour at which it is to be delivered," is not a contract made in conformity with the law, but is a violation of one of its most important provisions.

This practice of entering into contracts without observance of this provision of the law throws the door wide open to unfairness, favoritism, and collusion. The public know nothing of the purposes or the wishes of the Department as to the time and manner of transporting the mails, except through the medium of the public advertisement; and the honest business man, who would wish to seek a contract through fair competition, would naturally suppose that a bid pursuant to the advertisement would be the one and the only one by which he could procure such contract; and he would further suppose that he would be bound by such bid. With the public at large, this probably has been the case; it appears to have been so with the small contractors generally; but it has been far otherwise with a class of large contractors, who appear to be on terms of intimacy and confidence with some of the officers of the General Post Office, and whose affairs are intimately blended with the fiscal concerns of that Department. For example, in looking over the bids of the fall of 1831, it will be found that such individuals who obtained contracts upon the great mail routes, or a great number of the small routes united, included in their bids not only a proposition to carry the mail according to the advertisement, but with stipulations that the bidder would bind himself to carry the mail in a different manner at a different price. Of the favored contractors, the bids to carry the mail pursuant to the advertisement are generally very low, so as to enable the Department to award them the contract; while their improved bid, in pursuance of which the contract is at last executed, is very high, so as to ensure to the contractor an enormous profit. The acceptance is marked on the proposal book opposite the sum which was bid for conveying the mail pursuant to the advertisement; and the rival bidders will see at once, on an inspection of this book, that they are underbid, but the contracts are executed according to the improved bid, which is often twice or three times the sum at which it is entered on the proposal book laid open to the inspection of the public.

For example, at the lettings in 1831, James Reeside bid to carry the mail from Philadelphia to New York, pursuant to advertisement, (daily,) at $6,000 a year, or at $19,000 improved. The bid was entered "accepted" at $6,000, and the contract executed at $19,000.

Reeside, Slaymaker, and Tomlinson, bid to carry the mail from Philadelphia to Pittsburg, (daily,) pursuant to advertisement, at $7,000 a year, or at $27,000 improved, and extended to Wheeling. The bid was accepted at $7,000, and the contract executed at $27,000.

Stockton and Neil bid to carry the mail on routes from Cumberland to Wheeling, Washington to Steubenville, Baltimore to Cumberland, Washington, D. C., to Frederick, and Frederick to Winchester, at $7,000 a year, as advertised, or at $15,500 improved; the bid was accepted at $7,000, and the contract executed at 15,500.

Stockton and Neil bid to carry the mail on 17 routes in Ohio (of which that from Wheeling, Va. to Zanesville is first in order) as advertised at $30,000, or at $50,410 improved. The bid was accepted at $30,000, and the contract executed at $50,410.

It were tedious to enumerate the cases in which this difference exists between the bid made pursuant to advertisement and accepted, and the contract as executed. Your committee have caused to be prepared by their secretary, and they exhibit herewith, a table compiled from books and papers in the Department; from the Blue Book; from the letter of the Postmaster General of the 3d of March, 1834, in reply to a call of the Senate, and from his report of the 18th of April, 1832, which shows in each individual case, in the contracts of 1831, the difference between the bid, as entered on the bid book, and the contract executed. It shows also the cases in which no difference exists, from which it will be seen that the whole amount of the bids accepted pursuant to the advertisements in October, 1831, was $340,626 54
Amount of contracts as executed for the
same division, (by the Blue Book,) - 488,259 40

Making a difference of $147,632 86

And this whole difference, amounting to the enormous sum above shown, is made in favor of not more than fifteen contractors, or companies of contractors, most of whom your committee have found it their duty to notice in their former report as the recipients of other pecuniary favors from the Department. (See Doc. No. 10.)

It will be seen that there is a difference of about $87,000 between the aggregate of original contracts for this division of mail routes, as it is set down in the Blue Book, and the amount as extracted from the contracts themselves by the secretary of your committee; the statement in the Blue Book making them so much the larger. The joint resolution under which that book was compiled requires that the sums paid by the original contracts, and all additional allowances to mail contractors, should be reported, distinguishing between that which is paid by the original contract and that which is additional. But in the report of mail contracts there are many cases in which the original contracts, as executed, are set down in that book much above and the extra allowances much below their true amount, as understood by your committee; and hence the difference between that statement in the Blue Book and the one made out by their secretary from the contracts. As, for example, a contract was executed by R. C. Stockton, in which he agreed to carry the mail on 13 routes, among others from Philadelphia to Baltimore, at $14,950, as advertised, and to make certain improvements for the additional compensation of $20,150 a year. This is set down in the abstract prepared by the secretary of the committee as an original contract, at $14,954, precisely as it is stated in the letter of the Postmaster General of the 18th of April, 1832; but it appears to be set down in the Blue Book as an original contract of $35,100, making in that single item a difference of $21,150. A few cases of this kind make up the difference, large as it is, between the amount of original contracts as stated in the Blue Book, and the same as extracted from the executed contracts.

But, aside of the train of inauspicious circumstances which attend that class of cases in which contracts are executed on improved bids, your committee can discover no principle of law or reason on which those contracts can be justified. It is not easy to ascertain in what light the Postmaster General himself viewed this subject, or what provision of law he supposed sustained him in entering into these contracts. What was his opinion of the "contract" mentioned in the 10th section of the act of March 3, 1825, and when and how did he consider that contract as "concluded?" If the written and sealed obligations to transport the mail, which in the common language of the officers of the Department are called "the contracts," be so within the meaning of that section of the law, then is that provision violated in all the cases in which that bond is executed, and the contract "concluded" for the performance of a service different from that which is set forth in the published proposals. The law requires that before a contract be entered into the precise service to be performed shall be distinctly designated in a published advertisement. If different services are accepted in the bid, it is as if no advertisement had been made; or worse, for it makes the advertisement but a false sign, which serves to deceive rather than notify the public of what is to be performed. It cannot at all change the case that there is also a proposition in the same paper pursuant to the advertisement. If that be not the bid which is *bona fide* accepted, it is the same as if it were not there. If it be accepted, and if the acceptance be the contract, then a new question arises: Has the Postmaster General a right to change and enlarge the contract by a private arrangement with the contractor? Under the provisions of this section it is clear that he has not. He cannot change it without another public notice, pursuant to the statute, setting forth the proposed modification as a new contract, and inviting competition. If no other clause in the law authorized it, the Postmaster General could not change or modify any contract, nor order any extra service, nor pay any extra compensation, by private contract. But public notice must have been given and competition invited for each increase of service and of compensation. But the law permits that contracts be entered into for four years, and within that time the wants of the country may require a change in the time and manner of transporting the mail on any given route, and it would be inconvenient to provide in that manner for small but necessary alterations. Yet all the difficulties which might arise from this state of things are obviated by the forty-third section of the act of Congress above referred to, which permits, by implication, an additional allowance of extra pay for increased services; but it is express in its provisions "that no additional allowance shall be made to any contractor or carrier of any mail on any route over and beyond the amount stipulated in his contract entered into for the transportation of the mail on such route, unless additional service shall be required; and then no such additional compensation shall be allowed to exceed the exact proportion of the original amount to the additional duties required."

Whether it was by the supposed authority of this section of the act, or of that above referred to, or whether it was without reference to either, that the Postmaster General entered into these contracts, is unknown to your committee.

This subject was briefly touched by them in the report laid before the Senate at the last session; and about the time of the adjournment of Congress, a paper bearing the signature of the Postmaster General, and styled "An address to the people of the United States," issued from the office of the official journal, in which paper the Postmaster General notices the fact that "the committee animadvert upon this class of contracts." He speaks also of the manner in which some of these bids and acceptances were made, especially those of Stockton and Neil, and of Reeside and Slaymaker. "They made," he says, "in each case, two propositions: the smaller was first accepted; afterwards, for the better accommodation of the public, the greater service was required, and, of course, the higher compensation given;" but he refers to no law, and he advances no reason on which those modified contracts can be sustained.

Your committee are of opinion that they cannot be sustained by the legal provision last above cited, because they do not, in any of the cases which they have examined, bear "an exact proportion," in the language of that section, or, in truth, any just or fair proportion, to the compensation allowed for services by the bid made and accepted pursuant to the advertisement. Take, for example, the route from Philadelphia to Pittsburg, which was first accepted daily at $7,000, and which, by the modified contract, pursuant to the improved bid, is carried, as is alleged, twice daily to Pittsburg at $25,000, and extended to Wheeling at $27,000; one of the lines from Philadelphia to Pittsburg running at an increased speed. Now, it can hardly be established, as a mathematical proposition, that, if a daily mail cost $7,000, that a mail twice daily should, by exact proportion, cost $25,000; nor do we think that any one who understands the nature and value of the service will be prepared to say that the one bears any just or fair proportion to the other. It were vain to urge, as an apology for such excessive increased allowance, that there are no means of arriving at the true proportion which the original bid and the increased allowance bear to the service rendered under each, or to each other.

If such proportion cannot be arrived at, the law forbids the increased allowance. But, in truth, no law applies to this species of contract; it is neither an original contract, which the law will recognise, nor a legal extra allowance for increased services; it is about equi-distant between them, and sustained by neither. It is a clear violation of both the letter and spirit of the law, and other violations of the law have grown out of this, and this is made their apology.

The fifth section of the "act concerning public contracts," approved April 21, 1808, provides "that it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and the Postmaster General, annually to lay before Congress a statement of all the contracts which have been made in their respective Departments during the year preceding such report; exhibiting in such statement the name of the contractor; the article or thing contracted for; the place where the article was to be delivered or the thing performed; the sum to be paid for its performance or delivery; the date and duration of the contract."

The Postmaster General, in his report of the 18th of April, 1832, in which he professes to comply with the provisions of this statute, reports these contracts, as nearly as your committee can ascertain, and as he himself says, in his before-mentioned address, according to the bids made pursuant to the advertisement, and so accepted; while the contracts under seal, which appear to have been executed before the end of the year 1831, and about six months before the presentation of that report, differ from it by upwards of $60,000. The Postmaster General, then, if he meant to report truly, and in good faith, pursuant to the provisions of the law, did not look upon the sealed covenants, made in pursuance of the "improved bids," as the contracts; otherwise, no precedent, real or assumed, could have excused him to himself for a report so far from the actual state of things, and so certain to mislead. In the address before referred to, in speaking of the contract of Stockton and Neil, he says: "The first report of this contract, with others, was made from the book of recorded proposals, and contained the sum accepted. This was in conformity with the custom which had prevailed with my predecessor." This your committee do not at all doubt, and it would have been a very convenient and very just mode still, if the present Postmaster General had made the contracts, as executed, conform with the accepted bids; but as they do not, as he has so far departed from the practice of his predecessors as to make the executed contracts cease to conform to the accepted bids, he cannot now make u pa true report of those contracts from a statement of those accepted bids; and that which he now makes as an excuse for a departure from the truth of the case, in an official paper, was itself a violation of official duty.

Your committee have shown that the Postmaster General did not report the increased allowances made, in consequence of these "improved bids," as any part of the original contracts in which they were imbodied. Neither did he report them as extra allowances, when called upon by resolution of the Senate to report the amount of those allowances made for extra services since the 6th of April, 1829; they pass wholly without notice in any of his reports to Congress, and seem, in his judgment, to be referrible to no class of cases whatever. Indeed, no one could but feel that they were wholly without legal warrant, and that they could, therefore, fall under no known legal head. Nevertheless, immense sums of money have, through their means, been transferred from the Department to the pockets of individuals; and the American Congress and the American people have, until this investigation commenced, been wholly ignorant of the existence of any such mode of appropriating or disposing of the public funds.

It has been alleged that the practice of the Department, under former administrations, was to enter the acceptances of the bids upon a proposal book, and in making up the annual report of the contracts which were to be laid before Congress, to refer to the proposals as accepted, and make up the report according to those proposals; so that if any alteration were made in the contract before it was executed, the contract and the report would differ in amount.

Your committee have no doubt that the annual report has been heretofore made up from the accepted bids on the proposal book, as stated in that paper, and that there are ancient cases in which the executed contracts differ from the accepted proposals, and in like manner from the report; but this difference between the executed contracts and the accepted proposals does not appear to your committee to stand in that situation, either as to frequency or amount, which would make it available as a precedent. Your committee caused to be prepared, in a tabular form, (see document No. 11,) the reports of the contracts of 1827, which were put into operation on the 1st January, 1828; and opposite to each contract, as reported, they have caused to be carried out the sum actually imbodied in the executed contract for the same route. These contracts are selected because they are those renewed in 1831; which renewed contracts are the same referred to and examined above. By these it appears that the whole amount of

the reported contracts of 1827 is - -	$282,785
The whole amount of the actual contract, as executed, is - - - - -	280,155
Making a difference of -	$2,630

Which is to cover every mistake, error, or inadvertency, that may have arisen to disturb the exact and just relation between the report and the contract. Your committee justify no inaccuracy or inequality whatsoever between them; they ought to be mathematically exact in their agreement with each other, for a due obedience to the law and a strict discharge of official duty require it; but it would not be just to hold the head of a Department, diversified as is this, to a rigid accountability for every minute departure which may be found in the work of his subordinates from mathematical accuracy; neither can a clerical mistake or error of this kind, too small to attract attention, be fairly drawn into a precedent to justify the habitual resort to a system of similar errors.

There is another circumstance touching the above-named report of the 18th April, 1832, which ought not to be entirely overlooked. It was made out and presented to Congress just before the commencement of the presidential canvass in 1832, and it was a paper the tendency of which was to bear upon that election. It held out to the American people a delusive view of the prosperity of an important Department of the Government, and naturally induced a belief that it was wisely and economically administered; while, in truth, the public moneys were squandered, and the Department was rapidly sinking to insolvency.

The report of your committee which was presented to the Senate on the 9th day of June last has, since that time, become a subject of very general discussion. Most of the special cases therein noticed have been commented upon in publications issuing from various sources; and to all these, so far as they contained denial, explanation, or argument, your committee have given the most full and candid consideration. They were well aware that the magnitude of the task imposed upon them, the obstacles which were thrown in their way, and the limited time which was allowed for the investigation, had necessarily rendered that report imperfect in its details and liable to error. They therefore sought additional evidence, in all cases where it was supposed to exist, and when time was allowed them to procure it. It was their wish to have made this examination complete, embracing all the cases which they had touched in their former report; but those cases were so numerous and diversified, and the evidence necessary to explain them so voluminous, that the vacation was consumed in tracing, in all their windings, a few which were considered the most important.

Robinson's Case.

The contract of James F. Robinson, to carry the mail from Cincinnati to Georgetown, Kentucky, was carefully re-examined by your committee; and for the purpose of correcting the errors into which they were led in their former report upon that subject, as well as to show the true character of the transaction, they deem it necessary to consider it somewhat in detail. In their former report it is noticed in the following terms:

"James F. Robinson contracted to carry the mail daily in four-horse post coaches from Cincinnati, Ohio, to Georgetown, Kentucky, seventy-two miles, in fourteen hours, at a yearly compensation of $1,000. His schedule was so changed that he was required to run through in twelve hours instead of fourteen, making part of the trip in the night, for which he was allowed the additional yearly compensation of $3,000. It is not perceived by your committee that the change of schedule was at all essential to the public interest."

In the above statement your committee was mistaken in supposing that the contractor was required by the change of schedule to run through in twelve hours instead of fourteen hours; and also in supposing that the schedule was so changed that he was obliged to perform any part of the trip in the night; neither, in fact, was it the case; and your committee was led into error in this, as in several other instances, by placing reliance on such parts of the letter of the Postmaster General, of the 3d of March, 1834, as were not contradicted by other official papers, or in some other manner disproved. The above transaction is stated in that letter as follows: "1774—James F. Robinson is the contractor for carrying the mail from Georgetown, Kentucky, to Cincinnati, Ohio, seventy-two miles, daily, in four-horse post coaches, from 1st January, 1832, to 31st December, 1835, at a compensation of one thousand dollars per annum.

"By the original contract he was required to perform a trip in fourteen hours each way, to perfect a connexion at Cincinnati with the great mail to and from the East, and at Georgetown with the great Western and Southern mails. Under their increased expedition it became necessary to run through in twelve instead of fourteen hours, and during half the year to run in the night instead of the day. The additional expenses in such cases are required by contract to be defrayed by the Department. In this case the contractors presented a claim which the Department declined to allow. It was finally referred to the arbitration of two experienced disinterested individuals. Their decision was, that the service required four additional teams, at an expense of eight hundred dollars per annum each, and two additional coaches, the use of which was worth one hundred and fifty dollars per annum each; making an additional expense of three thousand five hundred dollars per annum. The allowance of that sum was suspended, and the opinion asked of three other disinterested individuals, who certified that an additional allowance of three thousand dollars would be but a moderate compensation. The additional compensation was then allowed from January 30, 1833, at the annual rate of $3,000."

The above extracts do, as far as we know, comprise all that has been written by the Postmaster General in defence or explanation of the transaction under consideration. The statements therein contained are singularly erroneous, especially when we consider the means of knowledge in the power of those from whom they emanated, or who prepared and furnished the materials from which they were drawn. A simple narrative of the progress of this negotiation, and a statement of the true condition of things, will show to the Senate, not only the truth of the present case, and the erroneous light in which it has been before represented to your committee and to the public, but it will afford a fair sample of a very large class of cases, the same in principle, and similar in their details, in which immense sums of money have been transferred from the coffers of the public to the pockets of favored individuals.

At the letting in the fall of 1831, this route was bid for, among other individuals, by J. F. Robinson, Oliver W. Gaines, and Robert J. Ward; their bids ranging from $2,750 to $1,990, for a daily mail. But a bid was put in, in the name of John Thruston, whom no one knew, but who was vouched for by John Hutchins, at $1,000, for a daily mail, which bid was accepted. And there is next on file (see Doc. No. 12) a letter dated Paris, Kentucky, October 22, 1831, signed by Thomas Thruston, requesting the Postmaster General to issue the contract for carrying the mail on this route to James F. Robinson, which was acceded to, as appears by a letter from the Department to Robinson, dated November 16, 1831, (see Doc. No. 13.)

On the 3d of December, 1831, Robinson addressed a letter to the Postmaster General, which proposes to increase the speed on the route, "so as to meet the increased speed on the routes in Ohio and Kentucky connected with it, for the annual compensation of $——— in addition to the compensation under my present contract." (See Doc. No. 14.) And accompanying this letter is an estimate going to show that his daily line of four-horse post coaches would cost $5,250 more per annum than all that would probably be received from passengers. (See Doc. No. 15.) This is also accompanied with a letter from R. J. Ward, who is shown by the evidence to be a partner of Mr. Robinson in this contract, in which he refers to and recapitulates the calculation of expense by Robinson, and says "he proposes to increase the speed of transportation so as to connect this line with the improvement bids of the Ohio Company from Columbus to Cincinnati, and the Kentucky Company from Maysville to Nashville: to make this connexion he must run through in fifteen hours. According to his present contract he is allowed twenty hours for the performance of the trip." He then proceeds to enlarge upon the advantage which will accrue to the Department and the country from this increase of speed, and also the great expense which it will cause the contractor. He says "it will be acknowledged as another evidence of the enterprise and ability of the head (of the) Department;" and in conclusion, that an additional allowance of $2,500 per annum would not be more than a fair compensation for the increase of speed. At the foot of this letter is written the following note, by the Representative in Congress from the district:

"Read this particularly and decide." (See Doc No. 16.)

This letter is dated December 4, 1831; and on the 29th December, 1831, an order is issued from the Department directing that the trip be performed in twelve hours instead of the time set forth in the advertisement. (See Doc. No. 17.)

Next follows a letter from Robert J. Ward, addressed to the Postmaster General, bearing date the 11th of April, 1832, in which he refers to a calculation made by Mr. Robinson. He goes into a particular detail of increased expenses in consequence of the increased speed; speaks of the remarkable punctuality with which the contract has been performed, and concludes by pressing upon the Department the allowance of four thousand dollars a year for the daily line. And then a letter from J. F. Robinson to the Postmaster General, of the 14th

June, 1832, contains an estimate of increased expense, in consequence of increased speed, which he fixes at $4,800, and ends by claiming that the compensation ought to be increased to $4,000 a year. (See Doc. 18)

This is accompanied by a certificate signed by E. P. Johnson and John Hutchins, in which they vouch for the correctness of Mr. Robinson's statements and estimates, and say that the compensation asked is very reasonable for the services performed. (See Doc No. 19.) Also, a certificate by Milus W. Dickey and Robert M. Ewing, saying that they are acquainted with the line, that the property stated in the letter is employed, and that the additional compensation asked is reasonable. (See Doc. No. 20)

These papers appear to have been forwarded to the Department, and examined, and a letter is addressed by Mr. Brown to Mr. Robinson, dated the 6th of December, 1832, (see Doc. No. 21,) saying that the Postmaster General directs him to state that he does not reject the claim, though he connot grant it on the ground of the calculation furnished by Mr. Ward, and adds, "no extra allowance is lawful unless it is based upon the original contract." He then, after stating that it was necessary to run through in twelve hours instead of fourteen, proceeds to say, what no person, it seems, had thought of before, "that they had, during the best season of the year for passengers, to run from Cincinnati to Georgetown in the night instead of the day." He then refers some special questions to J. Hutchins and J. G. Chiles for their decision, on which he says the allowance can be based. Whereupon Mr. Robinson calls upon Messrs. Hutchins and Chiles; they certify. (See Doc. No. 22.) Mr. Milus W. Dickey and Robt. M. Ewing again repeat in substance their former certificate, (see Doc. No. 23,) and John Dudley certifies. (See Doc. No. 24.) And thereupon the allowance of $4,000 a year is made, to commence with the contract. (See Doc. No. 25)

In this negotiation it is curious to observe on what nice points the Department made a stand before it would consent to grant the allowance: Mr. Brown says "no extra allowance is lawful unless it is based upon the original contract;" therefore, let Mr. Hutchins and Chiles certify the additional number of teams and stages required, and the yearly cost of those teams and stages, and that will form a basis for the allowance. The law does in fact provide that no additional allowance shall be made unless it is based upon the original contract; and it also provides that "then no additional compensation shall be allowed to exceed the exact proportion of the original amount to the additional duties required." The original contract of Robinson was to carry the mail at 1,000 dollars a year. He estimates the stock required to run as per advertisement, 10 teams and 4 coaches; to run according to alleged increased speed, 17 teams and 8 coaches. Expense of teams 600 dollars a year each; wear and tear of coaches 150 dollars a year each; so that by his estimate the cost, as per advertisement, would be yearly $6,600; additional cost for increased speed, $4,800. So that an extra allowance which should be in "the exact proportion of the original amount to the additional duties" (said to have been) "performed," must bear the same proportion to 4,800 dollars that 1,000 dollars bear to 6,600 dollars; this would give $727 27, as the extent to which the law would have allowed them to go, had every thing been true as stated in these papers.

But, strange as it may appear, the whole is a fabrication from beginning to end; the inducement, the details, every thing relating to it, except the mere fact of making the extra allowance, is entirely without foundation.

According to the general arrangement for the transportation of the mail on all the several routes referred to in this negotiation, the speed of the mail lines on the other routes had nothing to do with the speed of this, and it did not require that this should be at all hastened in order to give the interior of the State of Kentucky the full benefit of the other rapid lines. The eastern mail for the interior of the State of Kentucky entered the State at Maysville, and passed onwards through Washington, Paris, and Lexington, and a branch of this same mail went from Paris by Georgetown to Frankfort. The principal mail for Louisville went from Cincinnati by steamboat; and it was only for a short time, during the suspension of steamboat navigation, that any part of the eastern mail could find its way by this route from Cincinnati to Georgetown, and this would happen during the winter arrrangement only, when, it seems by the testimony of the postmaster at Cincinnati and Lexington, the mail was carried on horseback.

P. S. Loughborough, the general agent for the Department in that section of the Union, on his examination before the committee, says: (See document No. 26.)

"It is my impression that the eastern mail for the interior of Kentucky has usually entered the State by way of Maysville, and thence goes on through the State. Another mail, which goes to another part of the State of Kentucky, passes through Cincinnati to Louisville, usually by steamboats. When the boats do not run, the mail is sent by Cincinnati to Georgetown, I believe."

Wm. Burke, (see Doc. No. 27,) the postmaster at Cincinnati, testifies, that for eighteen days after the 1st of January, 1832, the eastern mail for Louisville was sent through by Georgetown; that on the 18th day of January the steamboat commenced running from Cincinnati to Louisville, and has carried the mail for the last-named city ever since, except when the river has been impassable by reason of ice. And your committee have been shown and here exhibit three letters (see exhibits in Doc. No. 25) from individuals connected with the Department, the first dated the 26th of January, 1832, and the last on the 14th January, 1834, addressed to the postmaster at the distributing office of Zanesville, Ohio, by which it will be seen that the mails were directed to be so distributed and sent that no letter or paper brought by the eastern mail could, in the due course of things, pass through by the route from Cincinnati to Georgetown. It were therefore wholly immaterial, as to the arrangement of this route, what was the speed of the eastern mail from Baltimore by Wheeling to Cincinnati, or from Maysville to Nashville.

The inducement set forth for the pretended increased speed upon it, therefore, wholly fails. It was not necessary to connect any lines whatever, or to effect any purpose useful to the Department or the public.

It was not necessary that the trip should be performed in the night, and it was not so performed during any part of the year; and there was no increase of speed beyond that required by the advertisement and the original contract. All which is conclusively proved by the testimony of P. S. Loughborough, agent for the Department, Wm. Burke, postmaster at Cincinnati, Alexander Connally, (see Doc. No. 28,) postmaster at Covington, Kentucky, and J. T. Johnson, postmaster, Georgetown. (See document No. 29.)

William Burke testifies, the mail for Georgetown was regularly made up at his office in Cincinnati, and ready to be delivered by sunset in the summer, and by seven or eight o'clock, P. M., in the winter season; and that it was usually taken from his office at from four to five o'clock in the morning, though it was sometimes taken across the river to Covington (which is on the Kentucky shore immediately opposite) over night. And Alexander Connally, the postmaster at Covington, testifies that the mail was usually taken from his office at from four to six o'clock in the morning. And it is shown, by the evidence of J. T. Johnson, that the average time of its arrival in

Georgetown was after nine o'clock in the evening; allowing the contractor about twenty-four hours for the transportation of the mail from Cincinnati to Georgetown, if he chose to spend that much time on the way; and if he did not, he was allowed just as much time as he was pleased to spend, instead of driving night and day with the pretended speed, and breaking down horses and destroying coaches for the sake of expedition.

From Georgetown to Cincinnati it seems to have moved at the same leisurely pace. Mr. Loughborough testifies that he twice travelled the route in the stage in the summer season, on his business as agent for the Department, since the 1st of January, 1832; that he set out about two or three o'clock in the morning, and arrived at Covington, opposite Cincinnati, about seven or eight o'clock in the evening; making about fifteen or sixteen hours on the way. J. T. Johnson, postmaster at Georgetown, testifies that the usual time of the Cincinnati mail setting out from that place was from ten o'clock at night to six o'clock in the morning; and Alexander Connally, the postmaster at Covington, testifies that the usual time of its arrival at his office, from Georgetown, was from five to eight o'clock, P. M.; and the testimony of Burke and Connally go to show that, by the winter arrangement, the mail was carried on this route on horseback.

Thus it appears, from a mass of evidence which cannot be contradicted, that there was no increased speed whatever on this route; that, on the contrary, the contractor was not required to perform even his original contract; but was indulged with so much time as might suit his own private convenience; that from the first to the last he had as many hours out of the twenty-four as he might choose, and just such hours as he chose, to perform the service upon his route; so that this extra allowance of $3000 a year, being three times the amount of the original contract price, was a gift by the Department, for which no public service whatever was rendered.

Bennetts' Case.

The contract of J. and B. Bennett to carry the mail from Bellefonte to Meadville is noticed in page 25 of the former report of your committee. It has been since reexamined; they have looked into the public documents, and taken the testimony of witnesses, and will proceed to lay the facts of the case, as they now appear, before the Senate.

It appears by the testimony of Benjamin Bennett, (see Doc. 30,) the surviving partner, who was examined as a witness, that Hays and Bennett by their contract, were to carry the mail through on that route in three days and a half, from the 1st of January, 1828, to December 31st 1832; and that on the 1st of January, 1829, they were allowed by Judge McLean, then Postmaster General, an extra compensation of $500, "to continue for one year," for running through in two days and a half instead of three days and a half.

In the letter of the Postmaster General of the 3d of March, 1834, (Doc. 138, page 46,) this contract is thus stated:

"222. Hays and Bennett were the contractors for carrying the mail from Bellefonte to Meadville, one hundred and twenty-five miles, three times a week and back, in stages, from 1st January, 1828, to the 31st December, 1831, at an annual compensation of $2,200.

"They were allowed on the 5th of January, 1830, for so expediting the mail as to perform the trips in two and a half days instead of three and a half, from January 1st, 1830, to 31st December, 1831, at the annual rate of $500."

Preparatory to the lettings in October, 1831, this route was advertised to run through in stages in two days and seven hours.

E. Platt & Co. bid at $1,980;

Moore, Libo & Co. at $2, 450; and

J. and B. Bennett at $3,500, in four-horse post coaches; and the bid of E. Platt & Co. was accepted.

On the 9th of October, after the acceptance of this bid, a letter appears to have been addressed by J. and B. Bennett to the Postmaster General, still pressing their claims to the contract. Then follow letters and petitions from various individuals, praying that the mail be carried in four-horse post coaches instead of two-horse stages, and that J. and B. Bennett might have the contract. And on the 10th December, 1831, there appears to have been a letter written at Washington city, addressed to Obadiah B. Brown, by W. W. Fenton, who seems to have been a member of the firm of E. Platt & Co., agreeing to relinquish his bid on this route, if the relinquishment be not permitted to injure his standing with the Department, and the contract is granted to the Bennetts at $3,500 a year.

The language of this letter, a copy of which is appended to this report, evidently conveys the idea that the writer was yielding something which the Department wished should be yielded. He proposes the terms on which he will give up his bid, and adds, "unless the relinquishment be accepted on these terms, I ought in justice to myself to adhere to the contract." There must have been some kind of negotiation going on, or some wish expressed to get clear of the accepted bid of Platt & Co., otherwise a member of that company could not have written such a letter as this. The Postmaster General had no legal right to exonerate that company from their bid, on any terms; his duty to the country required, not only that he should allow, but that he should require, the performance of the contract on the terms offered by the lowest bidder. But why this effort to put aside other and better bidders, and give the contract to these individuals?

It was noticed in the former report of your committee, that John Bennett was an active and efficient supporter of the present administration, and that he was the owner of a partisan press in Meadville, Pennsylvania, one of the termini of the mail route on which he got this contract. The Postmaster General, in his address to the people of the United States, does, it is true, deny the correctness of the statement. He says, "J. B. Bennett was never known as a politician or an editor; he never owned a printing establishment, or had any concern in a newspaper; so far as he or his partner entertained political partialities, they were in favor of the late administration and opposed to the present."

These assertions appear, however, to have been made somewhat at random; and they come in direct collision with the evidence taken by your committee. It is proved by the testimony of Benjamin Bennett, that his brother was a strong supporter of the present administration; and, on the subject of the partisan press, Andrew Smith, the brother-in-law of John Bennett, testifies as follows:

"In 1831, Mr. William W. Perkins had commenced the paper in February or March; he continued it till some time in August of said year, and perhaps longer. In August, as far as my memory serves me, he made an assignment of said press to David Dick and Henry C. Basler, in trust, for the benefit of his creditors. On the 21st November, 1831, Mr. John Bennett made a purchase from the assignees of this press. Perhaps the next day, Bennett mentioned to me what he had done; also observed there was ten dollars of the purchase money left for me to pay. He stated there had been a meeting of a few of them together, and proposed to purchase the press, and authorized him to make the purchase. Judge Barlow, and John H. Work, and Edward A. Reynolds, are the only ones of them, that I now recollect, who were to pay part. I assented to the arrangement for my part. On examination of his papers since his death, I find the sum of eighty dollars, as paid by him, entered as a charge against the press. The whole cost was one hundred and ten dollars. Mr. Perkins commenced the paper as a neutral press; three or four months before he assigned he came out in favor of the present administration. The year before, and before Perkins owned it, it was an anti-masonic paper. Between the period of the assignment and sale, the paper for a portion of the time was not edited; Perkins edited it after the sale. Bennett had no claims on Perkins at the time of the assignment, that I know of; but, after the assignment, Bennett bought in some of the household furniture for Perkins; the paper was continued by Perkins after the sale, without any change of its politics, except the change above-mentioned.

Thus, while this negotiation was going on for the mail route, between the time of the biddings and the relinquishment of Platt & Co. on the 10th of December, John Bennett purchased, partly by subscription, but principally with his own funds, a newspaper press, and arrayed it on the side of the administration. Within the time that the mail on this route was carried in two-horse stages, it was twice reported by the present Postmaster General as an unproductive route, that is, a route which does not produce in postages one-third part of its cost.

On the 2d day of March, 1830, he reports it as yielding $409 45, and the cost of transportation at $2,700.

On the 24th of February, 1831, he reports it as producing yearly $589 37, at a cost of $2,200; and in the fall of this same year, 1831, he increased the cost to $3,500, which is about six times the amount of the annual nett proceeds of the office; and since the mail was carried in four-horse post coaches its receipts do not seem to have improved, for on the 19th of January, 1833, it is again reported as unproductive, and the nett proceeds applicable to it stated at $476 33, less than one-seventh part of the cost of transportation.

TILLOW'S CASE.

In the proposals for carrying the mails in the fall of 1831, route 956 was advertised in the following words: "956. From Newark by Bellville, Acquackanock, Paterson, Pompton, Newfoundland, Stockholm, and Hamburg, to Deckertown, fifty miles and back twice a week, in stages. Leave Newark every Tuesday and Saturday at 5 o'clock, A. M., arrive at Deckertown same days at 8 P. M.; leave Deckertown every Monday and Friday at 4 A. M., arrive at Newark same day by 7 P. M." (Proposals, p. 7.)

On this proposal Freeman Anderson bid for $1,000, and J. J. Roy bid for $500, but offered, by way of improvement, to carry the mail from Newark to Paterson three times a week, on the rest of the route twice a week, and to add from New York to Paterson, by Jersey City or Hoboken, and Acquackanock to Paterson, twice every day and back, all for the yearly sum of $1,000; that part from New York to Paterson in four-horse post coaches.

In the contracts this route was united with three others much more extensive, two of them in the State of Pennsylvania, Nos. 953, 1,110, and 1,035; and the whole given to J. J. Roy, Stockton & Stokes, and others. The contract is signed, not by J. J. Roy, Stockton & Stokes, but by Daniel Searle, Miller Horton, and J. C. Horton. The whole were taken for $13,975 per year, or $3,493 75 per quarter.

Upon this contract there are several endorsements, showing allowances to the contractors for changes, &c., in the several routes, of the following dates and amounts:

"12th February, 1833. No. 1,110, $2,000 per annum, from the commencement of the contract. Rescinded since 1st December, 1833, and one month's pay allowed."

"8th June, 1832. No. 1,110, $3,000 per annum, from 1st January, 1832, and $10 76 of dispensed with from 1st December, 1833, and from 1st December, 1833, $1,115 of the $3,000 to cease, and one month's pay allowed."

"20th May, 1834. No. 1,110, 1,032, and 1,035, of the $2,000 allowed 12th February, 1833, and reduced from 1st December, 1833, to be allowed from date."

"1st December, 1834. No. 1,110, reduced to 3 times a week between Wilkesbarre and Carbondale, deduction $180 a year from 9th November, 1834."

"4th December, 1834. No. 956, service between Paterson and Newark reduced to 3 times a week; deduction from 1st January, 1835."

This $5,000 was allowed on this contract from the beginning, which was the 1st January, 1832; $3,000 of it under date of 8th June, 1832, and $2,000 under date of 12th February, 1833, long after the service commenced. Reductions were subsequently made, when the necessities of the Department demanded them. These charges and allowances attracted the attention of the committee, and they were desirous of investigating them, but did not find it practicable to do so, except to a small extent relating to the part of 956 between Newark and Paterson. The facts in regard to this part are as follows: The bids are before stated. One was for the route 956, as advertised; the other had improvements added. The union of this with other routes at a distance from it, in another State, precludes the possibility of determining what was the contract price on 956, and covers it up in such way that it may be made subservient to frauds which would escape detection.

The mail had not, before this time, been carried direct from Newark to Paterson. There were regular mails to both those places, and the two intervening towns, Belleville and Acquackanock, were supplied, the former from Newark, and the latter by the mails from New York to Paterson. If it was thought necessary to create a new route, there was not a necessity for its extending beyond Acquackanock, because at that point it met the daily lines between New York and Paterson. The object of extending it to Paterson may be found in the use subsequently made of it for the convenience and profit of Mr. Tillow. The importance of the new route may be estimated by the statement of the postmaster at Paterson. (See Doc. 31.) He says, "The average number of letters passing between the two offices is about 36 weekly; of daily newspapers 6; of weekly newspapers it may be 20;" and there are daily mails running between the two places by New York.

Although this distance from Newark to Paterson was a part of the route 956 from Newark to Deckertown, and was so bid for by both who offered for it, yet when the contract was drawn and executed it was separated from the rest of the route in this manner: after stating route 953, it proceeds "956 from Newark by Acquackanock, N. J., Paterson, Pompton, Newfoundland, Stockholm, Hamburg, and Deckertown, to Milford, Pa., and back, three times a week, in four-horse post coaches; and from Newark by Belleville and Acquackanock to Paterson and back, twice a week, in two-horse coaches." Thus advertised, bid for, and then separated in the contract, this short route was in a condition to be dealt with as a distinct subject of management. Mr. Roy had been a bidder for it, and was named in the contract, though he did not sign it. William Tillow is the brother-in-law of O. B. Brown, who superintended the business. Mr. Tillow did not bid for it. He says (see Doc. 32) "it was a small concern; my health was poor, and I desired to get it. I drive myself." But he made no application for it. The manner in which he obtained it may be inferred from his examination. He stated "this was originally part of Mr. Roy's contract, and he gave it to me.

The contract was to have been made out to me, but it never was sent to me to be signed." Question. "Who first proposed to you to take part of that contract?" Answer. "Mr. Roy I heard had it, and I wanted to get it, and went down to see him." Question. "Did any person in the Department suggest to you, by letter or otherwise, the propriety of taking this route before you went to see Mr. Roy about it?" Answer. "I cannot say that they did." Question. "Can you say that they did not?" Answer. "I was told that Mr. Roy had this contract, and I went to see him, and got it." After some hesitation, and a suggestion that the truth must be told, he added, "I was told by a person in the Department to go to Roy. It was Mr. Brown who told me to apply to Roy." Thus a new route was created, joined to a longer distance, separated in the contract from the other part, and the brother-in-law of the officer who superintended the advertisements of the contracts is informed by this officer that he must call on the contractor. He does so, and receives the contract.

The sum allowed to Mr. T. is $200 for carrying, a distance of fifteen miles, a mail, of which he says, "It might weigh fifteen pounds, sometimes more, sometimes less; he cannot say, but guesses it would weigh fifteen pounds." It was carried in a stage for passengers, on a route where, for a number of years, a stage had run to carry passengers, and was still running, and to which Mr. Tillow was thus to establish a rival line; and this amount is considerably beyond the relative proportion of the whole distance of the route 956, as bid for by Mr. Roy. But Mr. Roy probably found his compensation in other portions of this contract.

But this recipient of the favor of the Department has not been left to his original grant. Favors have been extended to him without his asking for them. His service has been increased from twice a week to three times, and then to six times; and his pay from $200 to $300, and then to $600, which is a very convenient addition to the profits of a rival line of two-horse stages running fifteen miles.

For these additions and extras Mr. Tillow never applied; he did not know that the allowance was to be increased; and when the service was increased, he did not inquire what was to be the additional compensation. All that matter was attended to by another, on whom he relied with perfect safety. The first he "knew of what would be paid to him was when he got his pay."

The committee were desirous of learning how this increase of service and compensation happened to be made on such a route. Mr. Tillow informed them that "the people petitioned for it daily; the Postmaster General ordered it so; and I got in proportion, being $600; I never saw the petitions."

The committee thereupon called for the petition and other papers on the subject, which were exhibited. They consisted of a petition, a letter from the honorable S. Condict, and an envelope, with an endorsement in the handwriting of Mr. Brown. The petition sets out a desire to have a mail daily, but does not ask to have the contract or the service of Mr. Tillow extended. It states that "the subscribers have conversed with Mr. John Fine, a respectable and trustworthy man, who now, and for several years past, has run a daily stage for carrying passengers between the aforesaid places, and find he is willing to carry the mail, for the four days on which no mail is now carried, direct from Newark, through Belleville and Paterson, up and down each day, for two hundred dollars a year; and, if desired, he will carry it every day in the week (Sundays excepted) for the same price." And they "petition that the mail may be carried between the aforesaid places, up and down daily, and that a contract may be made for that purpose with the said John Fine."

The petition, then, was not for an increase of service on Mr. Tillow's contract, nor for an increase of expense; but was an offer to have it carried daily (Sundays excepted) for the same sum which was given to Tillow for carrying it twice a week. Yet this petition was made the pretence by the Department for trebling the pay of the brother-in-law of Mr. Brown. The letter of Mr. Condict was written merely to enclose the petition. But the endorsement on the wrapper, in the hand-writing of Mr. Brown, and the sanction of the Postmaster General added to it, serve to explain the mode of operation in this matter. This endorsement is without date, and in the following words: "956 N. J. William Tillow, of Newark, contractor, Newark to Paterson, 2 W. S. Newark is the largest town in the State, and Paterson the principal manufacturing town; distance fifteen miles; Intermediate offices yield—

Belleville,	- -	$166 91
Acquackanock,	-	46 28
Together,	- -	$213 19

They desire a daily mail. Shall it run three times a week till the 1st of May, and then six times a week?"

To this is added, in the hand-writing of the Postmaster General, "Let it be done." And then there is an endorsement in these words: "Contractor and postmaster, Newark and Paterson, written to 2d February, 1832."

Now, it so happens that the petition is dated "February 4, 1832," and the letter of Mr. Condict the 8th of March, 1832. The petition was granted, it would seem, two days before it was signed, and one month and six days, at least, before it was received; and granted, not by making a contract with Mr. Fine, for four days, or for the whole week at $200, but by adding $400 to the compensation of Mr. Tillow.

PAPER AND TWINE.

The committee made some inquiries as to the manner of furnishing wrapping paper and twine for the use of post offices. They have not proceeded so far in this investigation as might be desirable, but sufficient has been done to satisfy them that the most economical mode has not been followed in regard to it. Some of the offices have been supplied by contract, or rather by an order of the Department, without public notice, and without competition; others by purchases made by the postmaster, or by some person connected with him in the office. The latter mode has, for some time past, been the practice at the post office in the city of New York. From the statements made by the officers at that city, it appears that that office has been furnished with a better paper, and at a much less price, than those offices which have been supplied by private contract.

Mr. Barnabas Bates (see document 33, answer 8) states, in his deposition, that he purchased wrapping paper for the use of the New York office. He says, "I have bought some for $2 25, some for $2 50, some for $3, and the highest was for $3 75 per ream." Mr. Bates was shown a sample of paper marked by the committee, No. 7, which is proved to have been furnished the Providence post office by the contractors at Boston, who is of opinion it is worth $2 25 per ream, for which the Department pays $5 per ream to the contractor.

On the — day of April, 1829, Nathaniel Greene, a printer of a partisan paper in the city of Boston, and one of the contractors who furnished paper and twine, was appointed postmaster at that place. (See document 34.) About that time he transferred his interest in the Boston Statesman to his brother, Charles G. Greene; (see document 35;) and, as they state, the contract with the Post Office Department passed also (as an appurtenance to the printing establishment, or otherwise) to Charles. Although the statement or Mr. Derby, (see document 36,) in his deposition hereto annexed, as well as the peculiarity of the language used in giving notice of the transaction, seem to cast a suspicion over it, still it is not the intention of the committee to impugn or question the validity of the transfer.

The following is a copy of the notice referred to:

"Nathaniel Greene has this day retired from, and Charles G. Greene has acceded to, the firm of True and Greene. The Boston Statesman will henceforth be published by Charles G. Greene, at the office of True and Greene, Merchants' Hall, Boston.

"Benjamin True.
"Nathaniel Greene.
"Charles G. Greene.

"May 5, 1829."

It also appears in evidence that, sometime after this, Nathaniel Greene, the postmaster, became the partner of a Mr. Emerson, in a paper mill, (see documents 37, 49, and 56,) and manufactured paper for Charles G. Greene, (the ostensible contractor under the foregoing assignment,) who furnished various postmasters with the paper manufactured by Greene and Emerson; and the postmaster, Nathaniel Greene, certified to the Department that the paper furnished by Charles was of the quality stipulated in the contract. Notwithstanding the inspection and certificate of the postmaster, it is proved that some of this paper, so manufactured, furnished, and certified, was unfit for use, and was returned to the contractor.

These transactions had become so notorious as to draw public attention to them, as appears by the deposition of Mr. Charles Locke, (see document 38,) who testifies that Nathaniel Greene said to him that "such a fuss was made about his (Greene's) owning a paper mill and furnishing paper to the Government while he was postmaster, that he would sell his share in the mill or let it to Mr. Emerson," which he accordingly did a few weeks past; and as the postmaster now seems to be convinced of the impropriety of being contractor and certifying officer to the paper made and furnished by himself and partner, the committee trust that similar improprieties will not occur again in that quarter. The committee do not mention these facts for the purpose of criminating the postmaster, but to show the necessity of constant vigilance in the Department, and the great impropriety of permitting its officers to be concerned or connected in contracts with it.

The inquiries of the committee in regard to paper and twine were mostly confined to Boston and Providence. What quality of paper is used at other offices and furnished by other contractors, is not known to the committee. We have the testimony of several dealers in paper as to price in Boston, which are appended to this report; (see documents 39, 40, 41, 42, 43;) and we have also a sample of the paper furnished the office at Providence, proved by the testimony of Robert H. Barton, who stated that he had been the mail clerk in that office since the eighth day of July last, and had been a clerk in that office for one year previous to that time; and that the sample of paper marked No. 7 is the kind of paper that was used in the office when he commenced the mailing of letters, and was continued to be used until about one month since, when the paper marked No. 6 was received; and that similar paper to No. 7, if not the same, was used previous to his being the mail clerk. This paper was shown by the committee to several dealers in paper, who valued it as follows:

Martin Robinson	$3 00	per ream	*of Providence.*
Thos. Jefferson Branch	2 50	" "	
J. C. Brown, bookseller	3 25	" "	
Wm. Parker, (see Doc. 44)	3 00	" "	*of Boston.*
Moses Grant, a large dealer in paper, (see Doc. 45)	2 00	" "	
Barnabas Bates, of New York	2 25	" "	

Making an average estimate of two dollars and sixty cents per ream.

Moses Grant, the largest dealer in paper in the city of Boston, valued the several samples of paper, as shown him by the committee, as follows:

No. 1,	$1 25	No. 6,	$3 00	No. 11,	$2 50
2,	1 75	7,	2 00	13,	2 50
3,	2 50	8,	2 50	14,	2 75
4,	3 00	9,	2 50	15,	2 75 or $3 00
5,	3 00	10,	2 75		

From all the evidence on the subject, (see documents 46, 47, 48, 52,) it appears to the committee that paper is now, and for several years last past has been, manfactured and sold from twenty to thirty-three and a third per cent. less than formerly; but there has not been a concurrent reduction in the price of paper furnished by contractors. The same price is now paid to contractors that was formerly given, when it was twenty to thirty-three and a third per cent. higher. It is apparent that the contractors make large profits on the paper furnished by them.

These contracts are only orders of the Department, directing the favored person to furnish paper, blanks, and twine, on the terms and conditions named in the order, and are not obligatory on the Department for any longer time than the officers of the Department may think proper to consider them so. The Department is at liberty to abrogate the order at any time, giving reasonable notice to the contractor.

The committee are aware this is but a small matter, compared with other transactions of the Department; notwithstanding, they consider it better to curtail unnecessary expenses than to discontinue mail routes that are useful and convenient to the business community. The abrogating of these orders, and obtaining supplies of paper and twine either through the postmasters themselves or by fair and open competition of individuals, would, in the opinion of the committee, save money to the Government, without inflicting injury on the public, or producing any change in the business, prosperity, or facilities, of the people.

The committee believe that the paper now furnished by contractors is of a better quality than that furnished the post office at Providence for some time past. Of this better quality, William Parker testifies he sold to C. G. Greene, in October last, a quantity at $3 per ream; and Mr. Haywood testifies that he sold to Hill and Barton at $3 12 per ream; for which Mr. Greene and Hill and Barton received from the Department $5 per ream. This appears to the committee to be paying excessive commission to favored printers for the transaction of the business, and should be corrected. It appears that the Greenes supply about one thousand reams of wrapping paper, and Hill and Barton about three hundred and fifty reams, per annum.

The price allowed by the Department to Hill and Barton, and to True and Greene, for twine, was forty-five cents per pound. And it is proved by John Edwards (see doc. 51) that he manufactured the best quality of twine for the contractors at Boston, from the 27th February, 1830, to 31st December, 1831, at 30 cents per pound. Since that time, he has charged 33⅓ cents per pound. That he annually sold True & Greene and Charles G. Greene about $1,200 worth per annum; and that he had also sold Hill & Barton to the amount of $500 in all. Ordinary twine, it is understood by the committee, may be purchased from 20 to 25 cents per pound, and cotton twine about the same price. What proportion of the best twine, and what proportion of ordinary, the several accounts of the contractors do not state. The Messrs. Greene state that they furnished none but that manufactured by Mr. Edwards. On reference to the accounts of these contractors for two years past, it appears that the Greenes furnished about $1,800 worth per annum, and Hill & Barton about 1,400 pounds of twine, amounting to about $630 per annum.

In regard to printing for the Department, the committee have but little to add to their former report. They made such inquiries previous to that report as to satisfy their minds that the amount paid for printing proposals for carrying the mail was a large, and, as they believed, a great proportion of it an unnecessary expenditure. But your committee, possessing little knowledge on that subject, appointed three printers in the city of Washington, to make an examination and report. They reported (see doc. 53) that they had "taken the accounts for advertising proposals for contracts for the year 1832, as they stand charged, and have ascertained what the actual cost of advertising the same quantity of matter the same number of times, (that is to say,) once a week, in the National Intelligencer would have been, and submit the results to the committee, viz:

The amount paid the Globe, - - -	$8,386 50
Actual charge for the same in the National Intelligencer, - - - - -	2,763 37½
Making a difference of - -	$5,623 12½

Reeside's Contract—*Hagerstown to McConnellsburg.*

The contract of James Reeside, for carrying the mail from Hagerstown to McConnellsburg, which was noticed in the former report of your committee, has since become the subject of much public discussion. The attention of the committee was again called to it; they have re-examined it with much care and labor, and they here present, somewhat in detail, all the information which they have been able to collect, whether from documents or the examination of witnesses, which seems at all important to the correct and full understanding of the transaction.

Andrew Lindsay and Daniel Shaeffer were the contractors on this route prior to the 1st day of January, 1832; and Shaeffer, (see doc. No. 54,) in his deposition, which was taken by the committee on the 18th of November, 1834, says that they got under their contract $600 a year, and carried the mail in two-horse post coaches, except about nine months of the last, when they carried it in four-horse post coaches. "We thought," says the witness, "it would make a good route for passengers, and we did carry a great many;" he adds, that they put in a bid for it again in the fall of 1831, at a price which he does not recollect, but refers to the books of the Department.

It will be recollected that this route was struck off to James Reeside, at the lettings in October, 1831, at $40 a year; and that, instead of $40, he was paid by the Department $1,400.

The Postmaster General, in a letter of the 15th of May, 1834, written in answer to a call by this committee for information on that subject, gives the following explanatory statement, which we quote at large, as it will the better enable the Senate to apply the evidence to which we shall afterwards refer. Having answered an inquiry as to another route, the Postmaster General says:

"In answer to your further call for a 'statement of the bids and contract from Hagerstown to McConnellsburg,' I have the honor to state that said route (No. 1,231) was advertised to run three times a week in four-horse post coaches, distance twenty-six miles. The proposals received for this route were as follows, viz:

"Fose & Wash, $600, or $450 in two-horse stages.
"John Blake, $180, on horseback.
"J. Huddleston, $600.
"James Reeside, $40, or $99 improved.
"Lindsay & Shaeffer, $300, or $600 daily.
"Thomas H. Boyd, $250.
"Joseph Boyd, $300, or $500 daily.

"The proposals of James Reeside, at $40, were accepted. The following is a copy of his proposals, which is not in the handwriting of Mr. Reeside:

"'We do agree to carry the mail on route No. 1,231, from Hagerstown to McConnellsville, via Welsh run and Mercersburg, as advertised, for the yearly compensation of forty dollars; or we will carry the same so as to connect the mail at each place with the great eastern and western mails, daily, in four-horse post coaches, for the yearly compensation of ninety-nine dollars ninety-nine dollars.'"

"Mr. Reeside alleged to the Postmaster General that there was a mistake in the sums mentioned in his bid; that the word "daily" was intended by him to apply alike to both the propositions; that is, to run daily, according to the schedule advertised, for $1,400 a year; or to make such changes in the schedule, and give such increased expedition as would perfect the connexions, for $1,999, being one dollar less than $2,000; that he had made out the sum in figures with a pencil, and given to a person to copy, who must have mistaken his marks; that the small sum of $40 would show the first to be an error; and besides the small sum, the repetition of $99, it being written twice together, will show the second to be an error; that the words "forty dollars" were copied from what he intended to be 1,400; and the words "ninety-nine dollars ninety-nine dollars," from what he intended to be 1,999. It being deemed expedient, on consideration of applications to the Department to that effect, to have the route run daily, being a connecting route between two important daily routes, he was directed, verbally, to run the route daily, and told that the error, and the amount of the compensation for the whole service, would become the subject of future consideration.

"Subsequently, and soon after he commenced the service, the following statement was reported to me by the chief clerk of the Department, then in charge of the office of mail contracts, who made it from the verbal statement of Mr. Reeside, then present at the Department:

"'No. 1,231, from Hagerstown, Maryland, to McConnellsburg, Pennsylvania, twenty-six miles, three times a week, four-horse post coaches—James Reeside, at $40. Mr. Reeside says the bid was put in by mistake, as will appear from the small sum. He intended to have made it $1,400, and to run daily, and so marked it with his pencil; but the clerk who copied it for him mistook his pencil mark, supposing the 1 was belonging to his dollar sign, and the 0 at the right hand he overlooked, or considered it merely a point.

"The Postmaster General gave him a verbal order to run daily, and reserved for consideration the correction of the error. He has run from the beginning of the year daily. Shall he be allowed to correct the error, and receive $1,400? His distance is increased ten miles. No other bid.'

"On this I endorsed 'granted,' and a contract, as appears by the files, was made out accordingly.

"In the above statement there is an error, for there were several other bids; and the error must have arisen from the circumstance that three other bids which were accepted to Mr. Reeside were on the same paper, to neither of which was there any other bid than his. It must have been under the impression that this was one of them when it was noted 'no other bid.'

"Immediately upon this discovery, the contractor was notified that the whole matter would be re-examined, and such reduction made from his pay on the route, from the commencement of the contract, as to bring the compensation to the amount at which it would have been fixed when he was permitted to correct the error, had the other bids been examined at the same time.

"The contract was made with James Reeside, to carry the mail from Hagerstown, Maryland, by Welch run, Pennsylvania, and Mercersburg, to McConnellstown, daily, in four-horse post coaches, (and it appears by statements on file that it is carried by Greencastle, increasing the distance five miles each way, making ten miles additional travel each day,) at $1,400 per annum, from 1st January, 1832, to 31st December, 1835.

"In reply to your farther inquiry, I have to state that there has been no extra allowance upon this contract; but there has been a reduction of the annual compensation upon it to the sum of $700, and a reduction of the service to tri-weekly, ordered in November, 1833, to have effect from 1st January, 1834, and reported to the Senate in the list of curtailments of mail facilities, 3d of March, 1834. This reduction was made, not upon any examination into the circumstances of the original letting and contract, (such examination was not made, nor known to be required,) but upon a report of the postmaster at Hagerstown that a portion of the daily service on this route could, without serious public inconvenience, be dispensed with.

"I have the honor to be, very respectfully, your obedient servant, W. T. BARRY.

"Hon. F. Grundy,

"*Ch. Com. on the P. O. and P. Roads.*"

The statement here represented to have been made by James Reeside to the Postmaster General appears to your committee to bear the stamp of improbability upon its very face. It is not easy to conceive how the clerk of Mr. Reeside, in copying his bid, could mistake $1,400 for $40, if that were indeed the only improbability to be overcome before the statement could be credited; but in the concluding paragraph of the same sentence occurs what he calls another error, and it is equally extraordinary, where $1,999 is said to be mistaken for $99. It is remarkable in another particular, if it be a mistake in copying. It is more consistent with itself than that which it is said was the true paper, and which was to be substituted in its place. If the bid were $40 for carrying a tri-weekly mail, then, according to the *pro rata* established by the present Postmaster General, the daily mail should bear the proportion to that sum which 7 does to 3; and if $40 be the price of the tri-weekly, the daily mail should be $93 33 1-3, within $5 67 of the improved bid. But if the bid for a tri-weekly mail were $1,400, then, at the same ratio, the daily would be $3,266 66 2-3, differing $1,366 66 2-3 from the alternative of that which is alleged to have been the intended bid. But the Postmaster General says, in the paper above set out, that Reeside alleged that both alternatives of that intended bid were to apply to daily lines. This would, if true, imply a third mistake in the copying clerk, or an impossible construction of the bid, which is clear enough and accurate in its general language: "We do agree to carry the mail on route number 1,231, from Hagerstown to McConnellsburg, via Welch run and Mercersburg, as advertised, for the yearly compensation of $40; or we will carry the same so as to connect the mail at each place with the great eastern and western mails, daily, in 4-horse post-coaches, at the yearly compensation of ninety-nine dollars ninety-nine dollars." The word daily could not have been intended to connect with the first section of the sentence: any individual, however uninformed in the rules of construction, would at once perceive that it could not be so connected. But one fact is decisive on the subject: the first clause of the sentence proposes to carry the mail "as advertised," and it was advertised to run tri-weekly; and it is so stated by the Postmaster General in the above-cited paper. But what is still more decisive on the subject is the fact that, on the 15th of October, 1831, Reeside executed a contract by which he bound himself to carry the mail on this route tri-weekly for $40 a year. (See Doc. 59.) On the whole, it would seem to your committee that the pretexts used by this individual were so gross and palpable that it would require nothing but a perusal to expose them. Still, as the contractor is positive in his assertions that the bid was put in by mistake, and as the Postmaster General in his beforementioned address also joins in the assertion, your committee thought it their duty to take the examination of several witnesses on that point, the substance of whose evidence they will now proceed to detail.

Daniel Shaeffer (see Doc. 54) testifies that he and Andrew Lindsay were the former contractors on this route; that they put in a bid again for it in the fall of 1831; and he concludes in these words: "I remained in Washington until after the bids were given in; and the next day after they were all put in, I met Reeside, and said to him, Well, Colonel, I suppose you will take my route from me? Yes, said he, I will take it in spite of every body. I put in for that route at $40 for a tri-weekly, and for a daily mail $90 or 90-odd. You need not be uneasy about it. I will establish the route, and give you as much stock on it as you want. This was after the bids were all given in, and before the contracts were cried off."

C. W. McKinstry (see Doc. 55) testifies that he was in the room in the General Post Office when James Reeside's bid on the route from Hagerstown to McConnellsburg was announced; that "at the time of letting this contract there was a good deal of talk among the contractors as to how Reeside could take it so low as $40. Mr. Reeside said, (I think it was in the room, but before I left the General Post Office,) that the reason of taking it so low was that he intended to connect that route with the Eclipse line established through the Glades to Wheeling. I do not recollect who it was that was speaking to him about it; his observation was not made to me, but being generally addressed to those near him, I heard, as I suppose others did."

Elliot T. Lane, (see Doc. 56,) being sworn, and the following interrogatory propounded: "Have you at any time had a conversation with James Reeside, concerning his contract for carrying the mail from Hagerstown to McConnellsburg? if so, state what he said"—Answers: "The time I am not certain, but I know it was soon or immediately after the contract was given out, in the fall of 1831. He asked me what I supposed he had taken the contract at. I told him I supposed he would get an increased price, as his stock was generally good, and stock on that road was not good. He then stated he had put in a bid: it was forty or forty-five dollars for every other day, and ninety or somewhere in ninety for an every day stage. We had a good deal of conversation about the contractors on the national road. He was a good deal excited, and said he had not been used well by them. He said that rather than not have got that cross line to intersect the line at McConnellsburg, he would have given the Department five hundred dollars. His object appeared to be to have a direct line along that road to intersect the Wheeling line."

Jacob Grove (see Doc. No. 57) heard James Reeside say that he had contracted to carry the mail from Hagerstown to McConnellsburg; and states the conversation as follows: "When Culbertson and I sold out our contract to Siders and Lewis, we were talking about it, we got two hundred and ninety-five dollars from Hagerstown to Chambersburg, three times a week. We said it was not much. Reeside said he carried the mail from Hagerstown to McConnellsburg for forty or forty-one dollars, I forget which." This was about two years ago.

Silas Harry (see Doc. No. 58) testifies that he had a conversation with Reeside on the subject, and says, "a short time after the contract was taken, he told me he had taken the contract at forty dollars. I asked him how it was he could carry the mail for that price. He told me he would carry it for nothing sooner than miss it. By having stock on that line, he would have a feeder for his great line from Chambersburg to Pittsburg, in which he was then or about to be engaged."

This evidence puts the matter beyond a doubt, if any doubt could have existed on a bare inspection of the face of the paper, that the statement of mistake on which the Postmaster General raised the allowance to James Reeside on this route, from forty dollars a year to one thousand four hundred dollars a year, was a sheer fabrication, got up for the purpose. So, also, the representation of O. B. Brown, the chief clerk, "that there was no other bid," when the records of the Department show that there were six other bids on the route.

This latter error the Postmaster General admits in his letter above set forth, and he says that "immediately upon this discovery, the contractor was notified that the whole matter would be re-examined, and such reduction made from the pay on this route, from the commencement of the contract, as to bring the compensation to the amount at which it would have been fixed when he was permitted to correct the error, had the other bids been examined at the same time."

It does not appear, however, that this matter has been re-examined, and the money thus improperly applied to the use of this contractor, or any part of it, reclaimed. In the account of James Reeside, made out for this committee by the Department, and received on the 8th day of November, 1834, we find the credits for transportation on this route as follows: (See Doc. No. 1.)

April 1, 1832,	$10
Same date,	340
July 1, 1832,	10
Same date,	340
October 1, 1832,	350
January 1, 1833,	350
April 1, 1833,	350
July 1, 1833,	350
October 1, 1833,	350
January 1, 1834,	10
Same date,	340
Making for two years' transportation,	$2,800
The bid of Lindsay and Shaeffer, for the same time, and carrying the mail in the same manner, daily, would have amounted to	$1,200
That of Jos. Boyd to	$1,000

On the 1st of April, 1834, after the mail ceased to be carried daily, and became tri-weekly, the account of Reeside is credited thus:

Hagerstown to McConnellstown,	$10
Three times a week in four-horse post coaches, per quarter,	165
And on the 1st of July it is credited,	175
Being for 6 months,	$350

Or at the rate of $700 a year, for a tri-weekly mail in four-horse post coaches. Lindsay and Shaeffer bid to carry it in like manner at $300 a year; Joseph Boyd at $300, and Thomas H. Boyd at $250.

The Postmaster General, in his letter above set forth, says that "the contract was made with James Reeside to carry the mail from Hagerstown, Maryland, by Welch run and Mercersburg, to McConnellsburg, daily, in four-horse post coaches, [and it appears by statement on file, that it is carried by Greencastle, increasing the distance five miles each way, making ten miles additional travel each day,] at $1,400 per annum, from 1st January, 1832, to 31st December, 1835." To the clause enclosed by the brackets, your committee would now call the attention of the Senate.

The mail was in fact carried by Greencastle, as stated in the parenthesis, but it is there so stated as to convey the idea that that is so much additional service rendered by the contractor to the Department. Such, however, is by no means the case; we find no order of the Department directing such change of route, and no service was in fact rendered by it; no mail was carried by the contractor to Greencastle. His stages were sent that way for his own convenience merely, and in performing this circuit of five miles he left the post route, and the post office at Welsh run without a mail, except as it was supplied by the postmaster, who went to Mercersburg occasionally for his share of the mail. On this subject your committee examined John Watson, the postmaster at Greencastle, (see Doc. No. 60,) who stated that "there was a stage, said to be a mail stage, which came round by Greencastle, commencing in January, 1832, and ran for some time, say a year, and continues yet to run; I see it going through." He adds that "there was a mail in February, 1832, brought by this stage; and quit some time in the same year. In running through Greencastle the stage would not pass the Welsh run post office, but come into Mercersburg."

And Elliot T. Lane, (see Doc. 56,) who says, "for some time before I ceased to act as postmaster at Mercersburg, the postmaster at Welsh run, or his deputy, used to come about once a week for his mail, and take it from my office. I understood the reason why this was done was, that the stage ran around by Greencastle, and did not come past the Welsh run post office. Sometimes in the winter it was not safe for the mail to come by the direct road from Hagerstown, owing to ice and high water in the Conogocheague creek."

Thus it will be seen that if the stages do run round by Greencastle, they do it, not in pursuance of their contract, and not for the benefit of the Department, but of the contractor himself. (See Doc. 65.)

But in truth the mail on this route has, since about the 1st of December, 1833, been carried on horseback, and not in four-horse post coaches. Lane testifies that he "received a letter from the Department, dated the 22d November, 1833, stating that they had given permission to the contractor to carry the mail on horseback occasionally; after the receipt of this letter the mail was, for a short time, carried sometimes on horseback, and sometimes in stages; then it was carried entirely on horseback, and continued till I ceased to act in the following April, no mail coming by the stages, which still continued to run."

And Watson says, "about harvest last, say in July, I saw a boy on horseback who told me he was carrying the mail." And John Siders testifies (see Doc. 61) that he commenced carrying the mail on horseback on this route on the 1st November, 1833, and that it has continued to be so carried, except for a few trips, down to the present time.

Through the various pretexts and pretences above examined and exposed, there has been paid over to James Reeside of the public moneys belonging to the General Post Office, down to the 1st of July, 1834, inclusive, upon that route, $2,932, for which no service whatever has been rendered. The bid of Reeside was to carry the mail at $40 a year, tri-weekly, in four-horse post coaches, or daily at $99 a year. He carried it daily from the 1st of January, 1832, to the 1st of December, 1833, and allowing him one month's pay for discontinuance, would make, in two years, at $99 a year, $198

He then carried it from that time to 1st July, 1834, tri-weekly, on horseback, for which allow him the rate at which he bid to carry it in four-horse post coaches, 40 dollars per year, - - - - - - -	20
He would be entitled, in the aggregate, to -	$218
And he has received instead - - -	3,150
Making the excess - -	$2,932

Which is, in every respect, equivalent to a gift to this individual, tainted with this additional vice, that the contract has been taken from the fair and legal contractor, who was entitled to it by law and usage, and has been given to this individual, who, upon no principle of truth or fairness, was entitled to receive it. (See Doc. 89.)

Reeside's Contract—*Bedford to Washington, Pa.*

James Reeside was also the contractor to carry the mail on the route from Bedford to Washington, Pennsylvania, tri-weekly, in four-horse post coaches, from the 1st of January, 1832, to the 31st December, 1835, at $2,900 a year, (see Doc. 90;) and he was paid for carrying the mail daily on the same route, from the 1st of January, 1832, to the 1st December, 1833, the additional sum of $3,866 68 a year, for one year and eleven months, with one month's pay added for discontinuing, making the whole allowance, for assumed extra service on this route, $7,733 36.

Your committee examined several witnesses, who proved conclusively that the mail was carried upon this route daily no more than about eight months; that is, from the early part of January, 1832, to the beginning of September in the same year. William Lewis, (see Doc. 62,) who was the agent of Reeside, and superintended this line from the 1st of April to the first of October, 1833, is the most exact in his evidence concerning it. He says, that shortly after the commencement of the contract in January, 1832, the mail began to run daily on that route, and "continued until a few days after the 1st of September of same year, when half the line was withdrawn, leaving it a tri-weekly line, at which it continues at present."

The amount of extra pay to which this contractor would have been entitled for the eight months, during which he carried the mail daily, according to the manner in which a pro rata allowance is estimated by the present Postmaster General, is $2,644 45. He has received $7,733 36. He has thus been paid, under this contract, for services which he did not perform, 5,089 21 dollars. In this sum is included the month's pay for discontinuance, to no part of which was he entitled, as he discontinued the daily mail at his own option, without the order of the Department. The order to discontinue appears to have been made fifteen months after the actual discontinuance took place.

During the year 1832, Abraham Harbach (see Doc. 63) was a partner in the contract on this route from Bedford to Washington, and was entitled to his share of this extra allowance, if any were in fact made as a consideration for extra services; and it will be seen that his interest in that line continued during the whole time that this mail was carried daily; so also did that of Lewis; but neither of them ever heard of the extra allowance. Harbach, after stating that he was interested in that contract during the year 1832, and that James Reeside and Samuel R. Slaymaker conducted the business and received the pay from the Department, in answer to the inquiry as to how much they accounted for with the company, says: "The sum (was) $2,900, from Mount Pleasant to Washington." I did not understand that "there was any allowance for the mail from Bedford to Mount Pleasant; if there was any it was included in the $2,900;" and Lewis testifies that he never knew any thing of an extra allowance on that contract.

Thus it appears that this sum of $7,733 66, expended under the name of an extra on this route, was not received by the company who rendered the extra service during the short time that such extra service was rendered, but it was received and retained by James Reeside, under what compact and for what reason your committee are not informed.

Some of the witnesses testify that the mail continued to be carried daily from Bedford to Mount Pleasant until some time in the fall of 1833. This is no doubt the case, but it was not as part of the line from Bedford to Washington, nor under the same contract. The contract on the route from Philadelphia to Pittsburg required that there should be carried two daily mails; one of which was to be carried from Bedford, by Somerset and Mount Pleasant, to Pittsburg. This continued to be so carried daily until the fall of 1833, when that also ceased as a daily mail, and was carried no more than every other day. (See Doc. 64, 65, 66, and 91.)

Reeside's Contract—*from Cumberland to Blair's Gap.*

The attention of your committee has also been again drawn more particularly to the contract of James Reeside to transport the mail on the route from Cumberland to Blair's Gap, (routes 1,215 and 1,230,) which is noticed in page 13 of their former report.

The facts and circumstances concerning it, as they now appear in evidence, are as follows:

The distance from Blair's Gap to Bedford is thirty-three miles. The weight of the mail on this part of the route is said by John Hofius, the postmaster at Bedford, to range from twenty to forty pounds. "On distribution days," he says, "it might be forty pounds; on other days, about one-half, or a little less." The other part of the route, from Bedford to Cumberland, is mountainous and but little travelled. It passes one post office at Rainesburg, the nett proceeds of which were $28 28 the year ending on the 31st March, 1833. Hofius, the postmaster at Bedford, testified (see Doc. 67) that the mail carried on this part of the route would not average five pounds in weight; and he adds, "there were sometimes three or four letters; it would not average so many." Such were, in short, the claims of this route to a heavy expenditure of the public funds.

Preparatory to the lettings in 1831, proposals were published for carrying the mail on both these routes, once a week on horseback, and at the letting they were bid off by James Clark, at $275 a year, to be carried pursuant to the advertisement. The contracts upon these routes, however, changed hands, and in the report of the Postmaster General of the 3d of March, 1834, (Doc. 138, page 198,) James Reeside is stated to be the contractor for carrying the mail from Blair's Gap to Cumberland three times a week, in four-horse post coaches, at the annual compensation of $4,500. And on the 25th of February, 1833, he was directed to run daily from Bedford to Blair's Gap, at an additional compensation of $2,911 72, making in the aggregate 7,411 dollars 72 cents a year.

Your committee called for the papers on which this change of contract was ordered, and received the following:

1st. A letter (see Doc. No. 68) from Silas Moore to

O. B. Brown, dated at Washington, the 24th of December, 1831, in which he says:

"Having understood application is made to the Post Office Department for having the mail carried in stages from Hollidaysburg to Bedford, from my knowledge of that section of the country, the inclination to the Bedford springs, and the termination of the Pennsylvania canal being at Hollidaysburg, must necessarily render such an improvement popular with the Department, and give general satisfaction to that section of the country."

Under this is written a postscript in the following words:

"Respecting the improvement, as above suggested, from my knowledge of that section of the country, and adjoining our mail route, I hope the applicant may succeed," &c.

WM. COLDER.

This Wm. Colder appears to have been, at that time, a partner of James Reeside in a contract to carry the mail on seven other routes; and Silas Moore was the partner of Colder on one or more routes, on which the contract price was $8,000, and on which was ingrafted an extra allowance of $7,300.

Next to this letter of Mr. Moore, and the postscript of Mr. Colder, follows a proposition of James Reeside, bearing date the 31st of December, 1831, in the following words: (See Doc. No. 69.)

"No. 1,215, from Bedford to Blair's Gap, and No. 1,230, from Bedford to Cumberland, Maryland. I will run the mail in four-horse post coaches, and connect with each end of the routes with every mail that may be ordered by the Post Office Department, for three times a week, and give such expedition as may be required by the Department, for the yearly compensation of $4,500. I refer you to the Hon. George Burd's letter, and also to Messrs. Colder and Moore."

It is proper here to note that no letter of the Hon. George Burd was furnished by the officers of the Department to your committee, though specially applied for by them.

There is, then, another proposition of Reeside addressed to the Postmaster General, (see Doc. No. 70,) and dated the 10th of December, 1832, in which he offers to perform the same service at the same price as above, but accompanies it with a statement of the importance of the route; and adds that stages have been established on No. 1,215, (Bedford to Blair's Gap,) for several years. On this paper is endorsed, "contract at the price stated," and "decision made April 5, 1832." It is also noted on the same paper, "contract made April 13, 1832." Thus the acceptance of the proposition contained in this paper is endorsed upon it eight months before the date of the paper itself, and the contract made in pursuance of the proposition contained in the paper is noted on it as having been executed nearly eight months before the date of the paper. Circumstances pretty clearly show that the paper was in fact written before the 5th of April, 1832, but yet in the year 1832 (as no one is likely to date by mistake in a future year.) The presumption is that the writer, intending to antedate to December, 1831, did in fact postdate to December, 1832.

Next in order is the contract itself, (see Doc. No. 71,) which bears date the 15th of March, 1832, twenty days before the decision of the Postmaster General accepting the proposition under which the contract was made, and twenty-nine days before the contract is on that paper stated to have been made; and that this false date was inserted by design and not by accident is deducible from the fact that the contract is made to take effect from the first day of April then next, and the pay is made to commence on the 1st of April, 1832. This confusion of dates, or a total want of all dates, is common among the papers, and in the most important transactions of the Department. The act of antedating to the 15th of March this paper, which was not executed until the 15th of April, gave Reeside this contract from the 1st of April next, before it was executed, and after it was dated. But all this would be the less reprehensible if it had been done by way of securing to the contractor his pay for services actually rendered before executing the contract. Such, however, is not the case. The evidence shows that James Clark, the original contractor, continued to carry the mail on this route to the 27th of April, 1832, faithfully, under his contract. The following, which is a copy of one of two certificates furnished us from the files of the Department, establishes that fact: (Doc. No. 72.)

"I do certify that James Clark, the contractor for carrying the mail from Cumberland to Blair's Gap, has duly delivered the mail at Allum Bank post office, from 1st January, 1832, to 27th April, 1832, twice a week.

"THOMAS VICKORY,

"*Postmaster at Allum Bank.*"

We found noted also, in pencil, on the margin of this contract, a reference to two reports of J. H. Hofius, postmaster at Bedford, one of the 4th June, and the other the 28th of July, 1832, which are as follows:

"Post Office, Bedford, Pa., *June* 4, 1832.

"Sir: Mr. Reeside & Co. have commenced the 28th of May, ultimo, to convey the mail three times a week on route 1,215, Blair's Gap to Bedford, and 1,230, Bedford to Cumberland, on horseback, but have not, as yet, commenced in stages. "Yours, very respectfully,

"J. H. HOFIUS."

"Post Office, Bedford, Pa., *July* 28, 1832.

"Sir: The 26th inst. Mr. Reeside commenced with a two-horse coach, on route No. 1,230, from Bedford to Cumberland, to convey the mail, but on route 1,215, Blair's Gap to Bedford is still performed on horseback. "Yours, very respectfully,

"J. H. HOFIUS."

And yet, with all this evidence in the possession of the Department, Reeside has been paid at the rate of four thousand five hundred dollars a year for carrying the mail on this route, in four-horse post coaches, from the 1st of April, 1832. The letter of Moore, with the postscript written by Colder, recommended only that the mail be carried in coaches from Hollidaysburg, or Blair's Gap, to Bedford; not from Bedford to Cumberland. Yet the mode of transporting the mail on both the routes was changed, and coaches ordered to run on both, at the bid of Reeside, without any thing which shows its propriety or even the wish of a human being on the whole route that it should be done; at a cost, too, enormous in proportion to the proceeds of the offices on both the routes, especially on that from Bedford to Cumberland.

It will be noticed that Reeside, in his proposition of December 10th, 1832, says "that stages *has* been established on route No. 1,215, for several years past." If that be the case, as it probably is, they were established without the patronage of the Department, and for the profit of transporting passengers during the summer, when the springs were frequented; and if Reeside himself were not the individual who established or owned them, this arrangement with the Department would at once enable him to put down the individual whose enterprise had established them; and the $4,225 a year, which Reeside at first received above the original contract price for carrying this mail, would be merely a bounty for putting down this attempt at individual enterprise; for the Department does not appear to have been benefited in any way except that of an increased number of trips, by the establishment of this as a mail stage route.

The evidence shows that this contract of Reeside was not complied with for a single year. Hofius, the postmaster at Bedford, says the mail was carried for about eight months in the year, partly in four-horse post coaches and partly in three-horse post coaches, and about four months on horseback. The testimony of William Lewis is more specific. (Doc. No. 62.) He was superintendent on the line, and speaks with certainty of the matter. He says, "I superintended the line from Cumberland to Blair's Gap for six months, in 1833, from first of April to 1st of October, and I know how it was run the winter previous. It was carried on horseback, and until some time about the middle of May, when we put on four horses from Cumberland to Burts, and from thence to Bedford two horses. It ran every other day; it was a tri-weekly line." Hofius says that in the winter, when the roads were bad, stages could not be used on this line.

It is difficult to discover what advantage could result to the public, or to the Department, by an attempt to force the transportation of the mail, especially a mail weighing less than five pounds, and containing, on an average two or three letters, in four-horse post coaches, on a road impracticable during one-third of the year. But what is especially reprehensible is, the paying this enormous sum for the agreement to perform this unnecessary labor, and then permitting the labor to go unperformed. For it will be seen by the account of Reeside, herewith exhibited, (Doc. No. 1,) that he is paid from the 1st of April, 1832, to the 1st July, 1834, nine quarters, for carrying the mail on this route in four-horse post coaches tri-weekly, $1,125 per quarter, being $10,125.

J. W. Weaver, (Doc. No. 64,) a witness examined also by your committee, proves in substance the same facts as testified to by Wm. Lewis. He says he was, from the commencement of Reeside's contract, his subcontractor on that line until the 1st of April, 1833; and that he received for carrying the mail on the whole route during that time $1,500 a year, which, according to the first allowance of $4,500, would leave Reeside a clear annual income upon this route of $3,000, without any service whatever rendered, or any expense incurred as an equivalent.

Here, then, is a case of a private contract made by the Department with this individual, without notice of any kind to the public inviting competition, and a sum is paid him for stipulated services, for one third part of which he procures an individual living on the spot to render those services, and exonerate him from all trouble or cost on account of it. If an advertisement calling for proposals had been inserted but a single day in the Bedford papers, and time had been given for bidders to come forward with their offers, there is no doubt that the Department could have procured this service to be rendered as cheaply as Mr. Reeside has procured it. Why was not this done? The law requires it, and a true and just administration of the public funds for the public benefit would seem also to require it.

The committee have already referred to two certificates on file in the Department; one of J. H. Hofius, the postmaster at Bedford, which is set out above, and the other, of like tenor, by Thomas Vickory, postmaster at Allum Bank, in which they certify that James Clarke, contractor for carrying the mail from Cumberland to Blair's Gap, has duly delivered the mail at their respective offices, from the 1st of January to the 27th of April, 1832. Yet, at the same time, the account of James Reeside is credited at the rate of $4,500 a year, for carrying the mail on the same route from the 1st of April, 1832, twenty-seven days before James Clarke ceased to carry it. (Document No. 1.) The amount thus paid to Reeside for the twenty-seven days that James Clarke carried the mail, and that he (Reeside) did not carry it, is $331 96, and is more by $56 96 than that legal and faithful contractor was to receive for actually carrying the mail, through fair and foul, for a whole year. It further appears, by the letters of Hofius to the Postmaster General, above set forth, that Reeside did not begin to carry the mail three times a week on horseback until the 28th of May. For these thirty-one days, between the 27th of April and the 28th of May, he received $373 55. But if Clarke, the original contractor, had continued to carry it for the same time, and precisely in the same manner, he would have been entitled to no more than $23 25. Again, from the 28th of May to the 26th of July, Mr. Reeside carried the same mail three times a week on horseback, and received, for this service, $733 45; and John W. Weaver, who was a subcontractor on this route under Reeside, testifies that the mail was carried, from the last of October to the 1st of April, 1832, on horseback. For this, Reeside received at the rate of $4,500 a year, until the commencement of his extra allowance on the 1st of March, 1833, and from that to the 1st of April, at the rate of $7,411 72 a year; making for these five months, of a horse mail, $2,049 94. For all the time that the mail was carried by Reeside on this route, on horseback, between the 1st of April, 1832, and the 1st of April, 1833, we can make a very exact comparison between the compensation received by him and that received by the original contractor, James Clarke, or which might have been paid to him, under his contract, for the same and similar services.

It has been shown that Reeside received, before he commenced to carry the mail, or perform any service,

from the 1st to the 27th of April, - - -	$331 96
From the 27th of April to the 28th of May, while the mail was carried by him weekly on horseback, - - - -	373 55
From the 28th of May to the 26th of July, during which it was carried on horseback tri-weekly, - - - - - -	733 45
From the 1st of November, 1832, to the 1st of April, 1833, during which time the mail was again carried on horseback tri-weekly, - - - - - -	2,049 94
Making, in the aggregate, for carrying the mail on horseback within that year, -	$3,488 90

If James Clarke, the original contractor, had performed the same service precisely, he would have been entitled, upon the basis of his contract, to have been paid the following sums:

From the 1st to the 27th of April, 1832, while nothing was done, he would have been entitled to nothing.

For carrying the mail weekly, from the 27th of April to the 28th of May, at $275 a year,	$23 25
Tri-weekly on horseback, from the 28th of May to the 26th of July, at $725, which is three times his contract price, the mail being tri-weekly instead of weekly, -	88 50
Tri-weekly on horseback, from the 1st of October, 1832, to the 1st of April, 1833, at $725 a year, - - - - -	343 75
Making, in the aggregate, - -	$455 50

Which sum of $455 50 is all that James Clarke would have been entitled to receive, on the basis of his contract, for the same service for which Reeside was paid $3,488 90. And James Clarke, to have entitled himself to receive, on the basis of his contract, the money which has been paid to Reeside for his nine months' service, must have performed the like service for five years nine months and twenty days. This difference is too great to rest upon principles of equal justice. Nor does this transaction stop here: Reeside, by his agent, or subcontractor, after the 26th of July, 1832, carried the mail on this route, when it suited his own convenience, in coaches, and when it suited him better, he carried it on horseback. It is perfectly evident that his own pleasure and his own convenience were alone consulted on that subject. And on the 14th of February, 1833, at a time when it is proved by both Weaver and Lewis that he was carrying the mail on horseback, we find the following letter addressed by him to the Postmaster General: (Document No. 73.)

February 14, 1833.

Sir: The citizens of Bedford, Pennsylvania, desire that a daily mail be run between Bedford and Hollidaysburg, the latter being a place of great importance, being at the junction of the Pennsylvania canal and railroad, and an intercourse of communication being very great between the two points. I will agree to perform the service at a *pro rata* allowance, and put the arrangement into effect in ten days.

Very respectfully, &c.
JAMES REESIDE.

Hon. William T. Barry,
Postmaster General.

Across the paper is written, in the hand of the Postmaster General, "granted;" and Reeside is credited on the books of the Department for a daily mail between Blair's Gap and Bedford, at the rate of $2,911 72 a year additional, from the 1st of March to the 1st of December, 1833, with one month additional credit for discontinuance; in all, amounting to $4,434 52. It is proved conclusively by Hofius, the postmaster at Bedford, and by Lewis, then the agent of Reeside, and his superintendent on that very line, that no such daily mail was carried during that time, though coaches may perhaps have run daily for a short time for the sake of the profit derived from passengers who were visiters to the Bedford springs. Hofius says it was a tri-weekly mail; but "for two or three weeks in the season of the springs it run daily, I think. I do not recollect whether they brought the mail daily or not." And Lewis, speaking of the route, says, "It ran every other day; it was a tri-weekly line; it never ran daily at any time to my knowledge." And it will be recollected that this witness superintended the route for Reeside from the 1st of April to the 1st of October, 1833, the time at which Reeside is paid $4,500 a year for carrying the mail in four-horse post coaches tri-weekly, $2,911 72 extra for carrying it daily.

It was in fact carried this year tri-weekly, and it was carried on horseback to the middle of May, and the residue of the summer and fall partly in four and partly in two-horse post coaches. On this route Reeside received, from the 1st of April, 1832, to the 1st of July, 1834, including extras, an aggregate sum of $12,559 52, to but a very small portion of which he was entitled, for any valuable services actually rendered to the Department or to the public.

Reeside's Contract—*Baltimore to Chambersburg.*

The route from Baltimore to Chambersburg appears to have been struck off to James Reeside in October, 1831, at $1,900 a year, to run daily in four-horse post-coaches. In the letter of the Postmaster General of the 3d of March, 1834, in which he professes to give all the extra allowances which have been made to contractors since the 1st of April, 1829, there is no mention of any increased allowance on this route. Nevertheless, in the account of James Reeside, furnished to this committee by the Department, he is credited with transportation on this route at the rate of $3,495 a year, for two years and three months, from the 1st of January, 1832, to the 1st of April, 1834. (Doc. No. 1.) To ascertain the cause of this discrepance, your committee called for such official papers as might be in the Department, relating to the matter, and were furnished with, first, a paper of the following tenor:

"Mr. Suter, pay clerk: The contract pay, per annum, on route No. 1,388, from Baltimore to Chambersburg, is $1,900, and I find no additional allowance endorsed on contract. Be pleased to inform me what pay is made from the pay list on the route; James Reeside contractor. S. R. H."

"The amount paid on the above route is $3,495 per annum. JNO. SUTER.

"Difference is $1,595. See order for increased expedition."

2d. A paper in the handwriting of James Reeside, having neither date nor signature, in the following words:

"Leave Baltimore daily, at 4 A. M., or after the arrival of the eastern mail from Philadelphia, arrive at Chambersburg by 8 P. M.; leave Chambersburg daily at 5 A. M., or after the arrival of the western mail from Pittsburg, arrive in Baltimore by 8 P. M. By this arrangement the mail will run through each way, between Baltimore and Pittsburg, in two days, which I agreed in my proposals, for $3,490."

And, 3d. A scrap of paper, which appears to have been part of an envelope, on which is written, chiefly in red ink, the following:

"No. 1,388. Baltimore to Chambersburg; the schedule is, to leave Baltimore at 4 A. M., arrive at Chambersburg the same day at 9 P. M., 17 hours, to form a connexion with the rapid line at Chambersburg, so as to run from Baltimore to Pittsburg in 52 hours. It will be necessary so to expedite as to arrive at Chambersburg by 3 P. M. Shall the expedition be ordered?"

Across which is written, in black ink, in the hand of the Postmaster General, "Direct the expedition."

This application for increased expedition and the consequent increased pay rests entirely upon the allegation that it was necessary to arrive at Chambersburg at 3 o'clock P. M. instead of 9 P. M., the hour fixed by the schedule, in order to connect with the rapid line from Philadelphia to Pittsburg. It is however the undoubted fact that no such necessity nor even the semblance of such necessity ever for a moment existed. The mail from Baltimore did, it seems by the first schedule, arrive at Chambersburg at 9 o'clock P. M. John Findley, (Doc. No. 74,) the postmaster at Chambersburg, testifies that the fast line from Philadelphia, when it first ran, came there about 10 o'clock P. M.; it was then changed, and arrived from 4 to 8 in the morning. The earliest hour of its arrival was therefore one hour later than the Baltimore mail before the supposed order for increased expedition; so that no change was at first necessary in order to connect with the rapid line; and indeed, after a short time, though the precise date is not in the possession of the committee, the Philadelphia mail did not arrive at Chambersburg until 8 or 10 hours after the required arrival of the Baltimore mail, as by the original contract. There was no reason, therefore, for paying a large extra for increase of speed. Reeside, in his testimony before the committee on the 21st of May last, makes out a very different case from that which is made by the files of the Department. Instead of starting from Baltimore at the same hour, and so expediting as to arrive at Chambersburg at 3 P. M., as is there represented, he says:

"We were ordered, instead of leaving Baltimore at 3 in the morning, to hold back until 7 o'clock A. M., which made an increase of four hours in speed, our arrivals at Chambersburg continuing nearly the same. The reason why we kept back till 7 o'clock was, that we might form a connexion with the Washington city line, by means of which the mail from that city to Pittsburg gained one day."

So that Reeside, in his testimony, reverses the order entirely. By the order of the Department, if in truth any ever issued, he was to leave Baltimore at the usual time, and arrive six hours earlier at Chambersburg, to perfect a connexion with the rapid line from Philadelphia to Pittsburg. Reeside swears that he was to remain four hours later at Baltimore, for the purpose of forming a connexion with the Washington city mail, and that he was so to expedite as to arrive at Chambersburg at the usual hour. But it is all alike unsupported by the evidence; no increased expedition appears to have been made in any way or manner upon that line. (Docs. Nos. 75, 76, 61, 77.)

From the evidence it appears that the time of departure of that mail from Baltimore was very irregular during the first six months of the year 1832. In the latter part of July or the beginning of August it became regular, leaving Baltimore at 7 o'clock A. M., and it has continued to set out at about the same hour since that time. But instead of arriving at Chambersburg at 3 P. M. as is said in the papers filed in the Department, or at 9 P. M. as is stated by Reeside in his testimony, its average hour of arrival has been from 11 to 12 o'clock at night, making in fact the same speed as per original contract; that is, through in from 16 to 17 hours. John Findley, the postmaster at Chambersburg, says: "I am not certain as to the arrivals in 1832, but from the first of 1833 it has averaged 11 at night or over, sometimes before, often later, once at 9, and again as late as 2." And Thomas Lindsay, who was a sub-contractor on this line at the time of this alleged increase of expedition, testified before the committee that he had no orders to increase his speed.

Thus it appears that the reason which was assumed for increasing the expedition on this line did not exist, and that in fact the expedition was not increased; nevertheless James Reside has received of the funds of the Department, from the 1st of January, 1832, to the 1st of April, 1834, $3,588 75 for that assumed increase of expedition.

The above route is noticed in the report of your committee of the 9th of June last (page 12) as one in which the additional service was not worth its cost to the public. But there was, in fact, no additional service rendered by the contractor, and your committee was led into the error of supposing that there was some actual increase of expedition on that line by the testimony of James Reeside, above referred to. A strict examination into the true circumstances of the case have enabled them to correct that error.

Route from Philadelphia to Pittsburg.

The route from Philadelphia to Pittsburg was, in 1827, let out in three divisions. The first from Philadelphia to Harrisburg, the second to Chambersburg, and the third to Pittsburg; the whole distance to be run in about sixty hours, exclusive of the time that the mail was detained at the towns of Harrisburg and Chambersburg. But in consequence of an imperfect connexion of the lines at these two places, there was about three days and ten hours spent on the way. In the early part of the year 1831 the Western Stage Company, who at that time had the contract of the whole route from Philadelphia to Pittsburg, put on a second line of coaches, and carried in it the mail from city to city, which was opened on the way only at Chambersburg; and by carrying the heavy mail in the old line, the new one performed the whole route in about sixty hours from city to city. This establishment of the second line of coaches, the separation of the mail, so as to carry the principal mail in one coach and the way mail in another, as also the increased speed of the time of the coaches carrying the principal mail, was the act of the stage company alone, and done for their own benefit. It was an arrangement made by men acute to discover their own interest, and prompt to seize on every occasion to advance it. It was probably rendered necessary by the competition for passengers which existed between them and the company established on the national road from Baltimore to Wheeling, who have a stage line parallel to theirs, and so nearly equal in its advantages that travellers would generally be determined in their choice of routes by the expedition and accommodation afforded on the respective lines. The manner in which this line from Philadelphia to Pittsburg has been run since the 1st of April, 1831, is shown by the testimony of William Thompson, the agent for the stage company residing at Chambersburg. He says: (Doc. No. 78.)

"There was but one daily mail from 1st of January to 1st of April, 1831; then there was an additional daily line called the Good Intent, which continues until the present time. From the 1st of April, 1831, the average was about 60 hours from Philadelphia to Pittsburg, for the fast line; the slow line most of the time takes three days and a half, carrying the way mail; there has been no permanent alteration in the expedition of the fast line since 1831, April 1. Sometimes it ran through in less time than others."

Preparatory to the lettings in October, 1831, after the mail had been carried for about six months precisely in the manner that it was afterwards thought fit to carry it, and in which it is now carried, we find it advertised to run through on that route in about three days and nine hours, instead of two days and about twelve hours, as it was running at the time the advertisement was made. Thus the actual time that was allowed by that advertisement for the mail to go from Philadelphia to Pittsburg was but about one hour less than the time allowed in 1827. But the speed required by that of 1831 was by no means equal to that which was required in 1827, for it will be observed that the mail was delayed at Harrisburg 6 hours, and at Chambersburg 11 hours, making a delay by the way of 17 hours; so that the mail was in fact advertised in 1831 to be carried more slowly on this route, if we deduct the time necessary for the change of mail at Harrisburg and Chambersburg, by at least 15 hours than it was required to be run by the contract of 1827. This is the more remarkable, when we recollect that from the 1st of April, 1831, the stage owners had voluntarily hastened the mail through in about 60 hours, at the same speed or about the same speed at which it ran by the contract of 1827; but omitting for the rapid line the stoppages on the road which had been required by that contract. Thus the experiment had been fairly tested. It was known that the mail could be carried through at the above-named speed, and we may well suppose it was intended so to carry it, for before the contract of 1831 went into effect, it was so changed as to run precisely at the speed and in the manner in which it was run from the 1st of April, 1831, prior to the advertisement.

Why then was this route not advertised at the speed and in the manner in which it was intended it should be run? Was a different advertisement sent abroad to inform, or was it to mislead those who wished to be competitors for the contract, and thus to enable a favored individual to bid it off as advertised at a rate so low that he would avoid all competition, and afterwards to place it in his hands on an improved bid, at a rate far above what would have been practicable if the intended mode of transportation had been pointed out, and actual competition invited? It will be recollected that the bid to carry pursuant to the advertisement was at $7,000 a year daily, in four-horse post coaches, from Philadelphia to Pittsburg, through in three days and nine hours, changing at all the way offices. The improved bid, which became in effect the contract from the beginning, was to carry the mail twice a day from Philadelphia to Pittsburg, and once a day from Pittsburg by Washington to Wheeling, at $27,000 a year, which was estimated at $25,000 a year to Pittsburg. The plan was to divide the mail; carry the way mail in one line without any exactly defined speed through in three and a half days; in the other to carry the mail from Philadelphia to Pittsburg, changing only at one or two intermediate towns, and to stop at none but those at which changes were made, and thus by running night and day to make the distance in about 60 hours. It was certainly an advantage to the public that the mail should be thus expedited, and it was an advantage to the contractor that he should be permitted to divide the mail, and carry the way mail at a speed which might suit his convenience, and in a different coach from that which carried the principal mail. That it was so is proved by the fact that he had chosen of his own accord so to divide it before he was bound to do so by contract with the Department. It is evident, too, that by this division of mail and this difference of speed, it enabled him to accommodate passengers in each line of coaches according to their wishes for leisure or expedition. The sum paid for transportation according to the improved bid, is therefore, in the opinion of your committee, much too large, and that it does very much "exceed the exact proportion of the original amount to the additional duties required." Your committee examined two witnesses upon this subject, from whose testimony they have been able to arrive pretty nearly at the proportion which the cost and expense of the respective lines bear to each other. This forms some data, though by no means exact, on which to found a calculation of what should have been the increased allowance to the contractor for his second daily mail in his rapid line.

John W. Weaver was a member of the "Western Stage Company," and, of course, interested in this line. He appears to have possessed very full information on the subject, so far as regarded the western part of the route; and, as the part of his testimony strictly applicable to the question now under consideration is very concise and explicit, your committee here copy the words of the deposition.

Question 5th. "What was the comparative cost of original stock upon your fast and slow lines between Philadelphia and Pittsburg?"

Answer. "The difference of the cost of stock would be, according to my calculation, as 10 to 7, consisting of the difference in the quality of the stock. This answer refers only to that part of the route from Chambersburg to Pittsburg, not having been interested in the other or eastern part of the route."

Question 6th. "Is there any difference in the expenses of keeping and running the line?"

Answer. "None, I think."

Question 7th. "What is the difference of wear and tear of stock on the two lines?"

Answer. "I should think that the wear and tear of the 'Good Intent,' over the other line, would be about one-fourth more; that is to say, if it would cost $800 a team and coach in the Telegraph line per year, it would cost $1,000 in the Good Intent."

And John H. Foster, a person who has been long in the employment of the stage company on the eastern part of this line, in speaking of the comparative cost of running the two lines on that end of the route, says: (See Doc. No. 79.)

"The fast line is severer on horses and coaches considerably; I would say one fourth more, perhaps not so much; the original cost of horses and coaches are about the same."

Thus, it appears that, on the western and mountainous half of the route, the cost of stock on the rapid line bore the same proportion to that on the slow line that 10 bears to 7; the wear and tear of stock as 10 to 8, and the current expenses of both were equal. On the eastern half of the route, the cost of stock was the same on both lines, and the wear and tear of stock about the same as on the western part of the line. If, then, we take, as the ground of our comparison, that element in which there is the greatest excess of expense on the fast line over the slow one, which were making the difference between them much greater than the evidence does in fact make it, their relative proportions will stand thus:

Cost and expense of the slow line per annum, as fixed by the bid at the lettings in October, 1831,	$7,000
Cost and expense of rapid line yearly, fixed by the proportion it bears to the slow line, it being in the ratio of 10 to 7, - -	10,000
Which would give to the two daily lines, with the increased speed, yearly, - -	$17,000

Though the elements from which our estimate must be formed of the relative value of these two lines, and of the proportion which the service, under the improved bid, bears to that under the bid pursuant to the advertisement, be not sufficiently exact to fix it with accuracy, yet they are so far certain as to show conclusively that the above estimate is too high, and would allow the contractor a greater increase of compensation than the Postmaster General could, consistently with the provisions of law, have allowed him. But we have seen that, instead of $17,000 a year for the two daily lines on this route, which we have already shown would have been an excessive allowance, taking the bid pursuant to the advertisement as its basis, the contractor was allowed upon it at once, from the beginning, $25,000 a year to Pittsburg, or $27,000 a year to Wheeling, by Washington. In the allowance to Pittsburg, there is, therefore, a clear excess of more than $8,000 a year, which is supported by no law, and sustained by no known principle of justice.

This contract, with the increased allowance of $18,000 a year attached to it, took effect on the 1st of January, 1832. And within that year, at a date not precisely ascertained, but about the 12th of July, the additional sum of $10,000 a year was allowed to the contractors for transporting all the newspapers in "their most rapid line."

This allowance was animadverted upon by your committee in their report of the 9th of June last. Since that time the transaction has been referred to in the address of the Postmaster General to the American people. It is believed that every apology for it which exists has been brought within the notice of your committee; and they now propose to reconsider it fully, giving due weight to all the statements which have been published concerning it, except so far as they are contradicted by testimony.

In the report of the Postmaster General of the 3d of March, 1834, the allowance is thus stated:

"Reeside and Slaymaker are the contractors for carrying the mail from Philadelphia to Pittsburg, Pennsylvania, three hundred and two miles, twice a day, and from Pittsburg, by Washington, Pennsylvania, to Wheeling, Virginia, fifty-seven miles, daily, in four-horse post coaches, from 1st January, 1832, to 31st December, 1835, at a compensation of $27,000 per annum.

"In consequence of the increased rapidity of this mail, the newspapers which were formerly sent by the east or other routes were now sent upon this; and the general cry of the public for the more rapid conveyance of newspapers required them to be sent in their rapid line, instead of the slower line, as was contemplated in their proposals, which so loaded it as almost to exclude passengers; they were, therefore, allowed, from the 1st of April, 1832, for transporting all the papers by their most rapid line, at the annual rate of $10,000."

And the Postmaster General, in his address above referred to, makes the following statement of the transaction:

"Messrs. Reeside and Slaymaker entered into contract to transport the mail between Philadelphia and Pittsburg, daily, in four-horse post coaches; to run two lines a day: one to go through in a few hours more than two days, the other in three and a half days. The object of the two lines was, that the weight of the whole mail being too great to admit of its transportation with the rapidity required by the shortest time, the principal letter mail for Lancaster, Harrisburg, Chambersburg, Bedford, Pittsburg, and all places west of Pittsburg, and the same returning, might be carried through with the greatest possible rapidity, that mail being not overloaded, nor required to stop at all the way offices to exchange mails; but that the more tardy line might carry the heavy newspaper mails, and the letter mails for the intermediate offices, commonly called the way mail. In this way they began their operations on the 1st of January, 1832, the day when their contract commenced. It was but a short time before heavy complaints were made by editors and others, on account of the delay of newspapers. When information was received by letter, or by newspapers put up in letters, as is customary with those who have the privilege of franking, earlier than by the regular newspaper mail, the contractors were accused of detaining the mail on the road, and the Department was censured for suffering them to do so. Messrs. Reeside and Slaymaker were amongst the best of contractors, and no persons could be more sensitive than they, when any complaints were made, touching their characters as mail contractors. To allay these complaints, they, agreeably to the wishes of the Department, undertook, from the 1st of April, 1832, to carry all the newspapers for Pittsburg, and places beyond that point, in their more rapid line. After three months' trial, they came to Washington, and alleged that the loss which they had sustained by carrying the great newspaper mail in their more rapid line was so great it would prove ruinous to continue it, unless they should receive something approximating to a remuneration for the same. They urged their right to relinquish their contract, if they were required to continue the service, as it was involving an enormous expense to render it practicable, and demanding of them a service which their contract did not contemplate nor require. This conversation was verbal; but I told them to reduce their statement to writing, and I would take it into consideration. Upon this they presented me the following written statement:"

He sets forth a letter written to him by James Reeside and Samuel R. Slaymaker, dated at Washington, July 12, 1832, which contains this clause: "To satisfy the public and sustain the credit of the Department and ourselves, we made the experiment of trying to carry the newspapers with our most rapid line. We have partly succeeded, but with very great loss. For three days in the week, we are compelled to exclude all passengers, to the loss of no less than one hundred dollars per day."

The Postmaster General then adds, "On the presentation of the above, I made the allowance. It was for service which the original contract did not require them to perform, and a service for which the public voice was clamorous."

Your committee will now proceed to examine how far the above statements coincide with the evidence. And first, that of the Postmaster General, in which, speaking of this allowance of $10,000 a year, he says: "it was for a service which their original contract did not require them to perform." Is this the fact?

The contract, as executed and sealed by the parties, sheds no light whatever on the subject. It contains no clause showing even the speed at which the mail is to be carried, nor what is to be carried by it. There is no schedule attached to it in the contract book; though one was furnished to your committee on their call, which corresponds very nearly with the bid of the contractors. It is to this schedule and the bid, therefore, that we must, in the first place, refer for an explanation of the understanding of the parties at the time of entering into this contract.

It will be seen by the bid of Reeside and others; that they propose to carry the mail pursuant to the advertisement; that is, through from Philadelphia to Pittsburg in three days nine and a half hours, in four-horse post coaches, at the annual compensation of $7,000. (See Doc. No. 80.)

Or to run two daily lines, carrying the mail twice daily from Philadelphia to Pittsburg. The first mail, from the 1st of April to the 1st of December, through in two days and five hours, and the residue of the year in three days; and through to Wheeling, by Washington, Pennsylvania, from Philadelphia, in all except the winter quarter, in three days, and in four days during the winter. To run the second line of stages from Philadelphia to Pittsburg through in three days and five hours, changing the mail at all the way offices, and of course carrying the way mail, for $27,000 a year.

There is nothing in either the proposals or in the contract which countenances the idea that the contractors had a right to direct or regulate the kind of mail matter, whether letters or papers, that should be carried in their most rapid line. And it was the duty of the Postmaster General to send by that line all the mail matter which the public interest required to be transported rapidly. There does not seem from the first to have existed a doubt that all the mail matter which was to be sent through was to go in the rapid line. William Thompson, (see Doc. No. 78,) the agent of the company stationed at Chambersburg, and who has been seven or eight years in their employment, says he has never known any part of the mail through carried in any other than the rapid line, and such seems to have been the case, unless, indeed, by some accident, or under special circumstances, a mail bag which belonged to the rapid line chanced to be displaced.

John W. Weaver, a witness before referred to as a partner of the company, in answer to the following interrogatory: (See Doc. No. 64.)

Question 8. "Did you carry the whole mail through in your quick line from 1st of January, 1832, or did you carry a part of it in the slow line?"

Answer. "I think we carried all the mails in the fast line except the way mail. At Bedford, I think, during that year we put some of the bags for places south of Pittsburg in the line by Washington and Wheeling."

This witness corroborates the testimony of Thompson, and establishes to a reasonable certainty the fact that the newspapers were carried during the first quarter of 1832 in the rapid line; and all that is said by the parties and the Postmaster General about the original understanding that the newspapers were to be carried in the slow line, and of the public clamor in consequence of its being so carried, is inconsistent with the facts of the case, and must have its origin in error. There is therefore no ground whatever for saying that the allowance of $10,000 a year was for "service which the original contract did not require these contractors to perform," unless the alleged conversations of the contractors with the Postmaster General and his superintendent of mail contracts changed or affected their liability.

No argument by this committee is necessary to satisfy the Senate that it were wholly inadmissible to permit conversations, actual or alleged, to control the solemn contracts entered into by the Postmaster General, and sealed by the parties, pursuant to law and usage. There can be no question of personal faith, nor should there be of personal favor, upon the subject. The law allows this officer to enter into contracts; and law and usage prescribe the manner in which those contracts shall be entered into and executed. And neither the Postmaster General nor his assistant has any authority to yield, by conversation, what is the right of the public by contract. But when were these conversations held, in which Messrs. Reeside and Slaymaker say that it was understood that the newspaper mail was to be carried in the slow line? Were they before or were they after the opening of the bids? If before, it establishes a charge which has often been urged against the Department, namely, that of advertising differently from the manner in which it was intended the mail should be carried—agreeing with some favorite contractor that he should put in an improved bid, which it was understood should be accepted, and the improvements ordered before the service commenced; thus putting it in his power to get the contract on his own terms and without competition.

The letter of Reeside and Slaymaker, on which this extra sum of $10,000 a year was allowed, states that the mail was so heavy between Philadelphia and Pittsburg as to exclude passengers on the rapid line for three days of the week. The paper purports to have been signed on the 12th day of July, A. D. 1832, and the Postmaster General says it was presented to him, and the allowance thereupon made. (See document No. 81.

Your committee, with a view of ascertaining the actual state of things at the time of making this very large and extraordinary allowance, called several witnesses before them, all of whom speak of very heavy mails, so heavy as to exclude passengers from the rapid line one or two days in the week during some part of the year 1832, though they do not all agree as to the time of the year when passengers were so excluded. Fortunately, a record was kept by the agent for the company at Chambersburg, on this route, showing the number of passengers that actually passed that place each day in this rapid line; and from this book, and the testimony of William Thompson, the agent, in whose possession it is, your committee were able to get at so much of certainty as to avoid the danger of being misled by any very gross exaggeration. (See document No. 78.)

There certainly can be no doubt that the contractors were able to carry on this line, on each and every day, as many passengers as they did in fact carry; but it is by no means certain, on the other hand, that they were unable to carry any more; for from the testimony of John W. Weaver, one of the partners, we find that they had not always a full freight of passengers. On that subject he says:

"Our travel from the east generally commenced about the 1st of February, and we ran full until about the 1st of May, and often had to employ extras; then the travelling gradually fell off until about the 1st of October, during which time one line and a half would carry the passengers. From 1st October to 1st December we were full again; then we ran very light till February, a line and a half would be more than sufficient to carry all the passengers during that season of the year."

Wm. Thompson, the agent of the company, brought his books before the committee, and in answer to the inquiry, "Are you able, from your books, to designate at what times it was you were unable to carry passengers?" says:

"In the year 1832 I find eighteen blank trips, most of them from 1st of October to 31st December. In the same year there were fifty-eight trips of not more than one or two passengers." This he afterwards corrects, and says there were twenty blank trips instead of eighteen.

It appears by the examination of this witness and his books, that seven of the twenty blank trips which he speaks of took place in the month of January, and six in the month of December; and those, it will be recollected, are the months in which J. W. Weaver says there were but few passengers, leaving but seven blank trips for the other ten months of this year; that is, a stage without passengers one trip in forty-three. The allegation of Reeside and Slaymaker, in their letter to the Postmaster General of the 12th July, 1832, in these words: "For three days in the week we are compelled to exclude all passengers," is not at all supported by their own books, or the testimony of their own partners and agents.

On a re-examination of William Thompson, and by exact reference to his books, we find that there was one blank trip in the month of April westward, and none eastward. In the same month there were six trips with not more than two passengers westward, and three with no more than that number eastward. In the month of May there two blank trips westward, and one eastward; in the same month ten trips in which there were not more than two passengers westward, and five with not more than two eastward. In the month of June there were three blank trips westward, and three eastward. In the same month there were ten trips of not more than two passengers westward, and nine of not more than two passengers eastward. The whole number of passengers westward, in those three months, was 337½, and the whole number eastward was 397¼, making a difference of sixty passengers in three months, equal to two passengers in three days.

It will be recollected that no complaint whatever is made of heavy mails from west to east. In that direction they were never so heavy as to exclude passengers; so that when the stages ran empty or light it was for want of passengers, not for want of room in the coach for their accommodation.

If we take the number of passengers in this line from west to east as the criterion for judging what it would have been from east to west, if none had been excluded by the heavy mails, it amounts to a loss by that reason of sixty passengers in these three months. The like loss may have occurred during the three months of September, October, and November, which are about equal to those of April, May, and June, for passengers. During the months in which there are but few passengers, as July, August, September, December, and January, there would be little or no loss, as there were not, during those months, according to the testimony of Weaver, more than passengers enough, on an average, for one line and a half of coaches; and in the month of January, 1833, the witnesses concur in saying that the mail fell off again to about what it was in 1831.

The loss, then, by the heavy mails, during the time they continued, would be about one hundred and twenty passengers, if in reality they did not, when unable to take passage in the quick line, go in the slower line, or some of the extras. But suppose the loss of one hundred and twenty passengers, at nineteen dollars each, which is understood to be the fare from city to city, it would be $2,280; the sum which, upon a fair estimate, is all that the Department ought to have paid, if, indeed, after paying $25,000 a year for carrying the mail between the two cities, it had been really bound to pay the contractors in addition thereto for whatever cost and trouble they may be put to in carrying it. The amount so given to Reeside and Slaymaker, for which they rendered no service, and of which they gave their partners no share, was $17,500.

This detail, minute and even tedious as it may seem, was, nevertheless, necessary to avoid the danger of error arising from the vague language of some of the witnesses, and their want of a precise and distinct knowledge or recollection of the facts. We believe there can be no error in the evidence of Thompson, so far as it purports to be drawn from the books of the company, and that thus far it may be implicitly relied on.

Your committee would recall the attention of the Senate for a moment to the statement of the Postmaster General in his circular, where he professes to give the reasons for this extra allowance. It was not given for any hardships or difficulties encountered before the 1st of April, 1832; for he says, that before that date the newspapers were not carried in the rapid line, but it was for those which occurred after the 1st of April and prior to the 1st of July; or, in his own words, "after three months' trial." Therefore, the state of things between the 1st of April and the 1st of July, 1832, was that on which this allowance was granted; and it is so narrowed down in point of time, that your committee have been able to get at the truth with certainty, and it results in this: That within that period there were six trips in which there were no passengers westward, and twelve trips with but one; four trips in which there were no passengers eastward, and nine trips in which there was but one. Most of the blanks and light trips both ways in these three months occur in the latter part of May and in the month of June, during which time J. W. Weaver testifies that there were but few passengers.

The letter of Reeside and Slaymaker, set out at length by the Postmaster General, and copied above, complains that the bargain to carry the mail as they were then required to carry it was a hard one; that the business would prove ruinous to them; and avers that an additional compensation of fifteen thousand a year was the least sum that would save them from actual loss; but they propose to take ten thousand a year as part indemnity, and suffer a loss of five thousand dollars a year themselves, and do the service for the honor and credit of the Department. The Postmaster General made the allowance of ten thousand a year on this letter, without any other evidence to sustain it, and Reeside and Slaymaker did not disclose to their partners the fact that such allowance was made.

Jesse Tomlinson, one of their partners who signed the contract, testified before the committee, on the 29th day of May, 1834, that he was informed in the spring of 1832, by Reeside and Slaymaker, that there was to be such allowance; and he further stated that Mr. Slaymaker told him "that he was to let Mr. Brown have, or that he was to give Mr. Brown, 1,000 dollars of it." And he adds, "in February or March, 1833, I asked Mr. Slaymaker about it, and he told me he understood it was not allowed;" and thus it passed off without the knowledge of any of the partners until the examination before your committee made known the transaction. Since the publication of that testimony, the other members of the company claimed from Reeside and Slaymaker their proportion of this extra, which, for the time it was allowed, amounted to 17,500 dollars. They refused to pay over any part of it, and at last, by common consent, the matter was referred to two arbitrators, members of the company at the time of the submission, but not at the time the claim accrued, who were finally to adjudge and determine on the matter. Abraham Harbaugh, (see document 63,) a member of the company, examined on that subject by your committee on the 17th of November last, says: "He (Reeside) has never settled with our company, so far as I know, nor did he say any thing except at our settlement, I think in August last, at the Crossings, when the company met and called on him about those extra allowances, as they understood they had been made, and wished to know from him how he would account for them; he then stated we had all received our proportion; that this money had been expended for the benefit of the whole concern. We then proposed to appoint a committee, as he did not seem disposed to tell how it had been expended. It was agreed on that the committee should hear Reeside and Slaymaker by themselves, and they were to report to the company whether we had received our proportion. The committee were not to state the particulars as to how this money had been expended, but merely their opinion whether we had received our proportion or not. The committee consisted of John McKee and Dunning R. McNair, of Pittsburg; they are now part of the company, but were not when the allowances were made. They reported favorably to Reeside and Slaymaker. They were not at liberty to state what had passed between them and Reeside and Slaymaker. The report of the committee was in writing, and was entered on our minutes; Colonel McNair I think has them."

Mr. Lewis, (see Doc. No. 62,) also a member of the company, says: "I never knew any thing of the allowance until I saw it in Jesse Tomlinson's deposition, taken before the committee of the Senate last spring, and also in Mr. Reeside's deposition, taken before the same committee." And John Graham, (see Doc. No. 82,) another member of the company, testifies to the same fact. He says he was a partner on this line, and as such entitled to his dividend of all that was paid for services rendered on it; and that he never heard of such extra allowance until it was disclosed by the committee of the Senate.

Reeside, in his testimony before the committee on the 17th day of May last, says that he paid no part of this extra allowance over to the company, but kept his part of it to answer debts due by them. And again, on the 21st, he says that, though he did not pay any part of it over to the company, he paid it out to their use. John Graham, in answer to the following interrogatory:

"Did Reeside or Slaymaker ever give you any intimation as to the use which had been made of that money?" says:

"They did. They said they were at great expense going to Washington and travelling about; had the whole charge of the concern; and if any difficulty occurred they had to attend to it. And there was some route between Baltimore and Philadelphia on which they had been charged with extra allowance, but which they never had received, and some other charges of extra allowance which they had not received. They did not state what had been done with those extra allowances, but that the 10,000 dollars was in part to cover those allowances which they had not received, and which had been charged to them, and for which they had done services but had not received the pay." All the partners concur in the testimony that neither Reeside nor Slaymaker set up any claim to old debts or old accounts, all those matters having been already settled with them, so far as they were considered just, by the company.

Dunning R. McNair, (see Doc. No. 83,) one of the committee appointed by the company to settle the extra allowance, says, that in stating their case before himself and Mr. McKee, who were to hear it confidentially, and decide, Reeside and Slaymaker spoke of the old accounts; but that they showed them no account and named no items. That no such account was referred to them by the company, and that they took no notice of them in their report; still it would seem, from his testimony, that they were a part of the moving cause which induced him to report in favor of Reeside and Slaymaker.

John McKee, after mentioning the appointment of himself and Mr. McNair as arbitrators to settle the matter, and that the communications which they received were to be confidential, says: (See Doc. No. 84.)

"Reeside and Slaymaker said to us that they had drawn the $10,000 a year, for, I think, a year and seven months, and had divided it equally between them. That, as was known to us, they owned about three-quarters of the whole stock; that three-quarters of that money they claimed as their own; as to the residue, they explained to us that they had been at a great deal of trouble and a great deal of expense in procuring the present contract. They had increased the speed 24 hours, and put on a second daily mail; there was a number of expenses which they had never brought before the company; we examined their books and found it to be so. They stated that they had been at trouble and expense to get petitions along the line, to show the expediency of the additional speed and second line; that they had drawn the mail pay quarterly, and divided it out to the partners; in doing this they had incurred expenses in going to Washington, for which they had made no charge; that they were at considerable expense in Washington; that they had to live free and be generous." He states, however, that Mr. Slaymaker expressly denied having given or advanced any money to the officers in the General Post Office, or having been engaged in any transaction of that kind, except that matter with Mr. Brown, as detailed in his evidence before the committee of the Senate which had been published. He says he viewed this thing as a business transaction, and that if they (Reeside and Slaymaker) had charged four or five thousand dollars to the company for doing their business, and to cover their personal expenses, it would not have been too much. The whole amount received by them was $16,000; Reeside and Slaymaker were owners of three-fourths of this line, and of course entitled to three-fourths of the money, leaving about $4,000 to come to the other partners. This sum I considered, then, as paying Reeside and Slaymaker for doing their business. The compensation for one daily line had been $7,000; two daily lines were now run and $25,000 were paid. The speed of one remained the same; the other had been expedited to run in two days and a half. I conceive that the western owners by losing this sum, were still very much benefited by the increased allowance."

One of the most extraordinary features of this very extraordinary transaction is the air of mystery which is thrown around it. Why, if the expenditures which had been made were such as would bear avowal and might see the light, why require that the explanation should be made in secret and apart from the individuals interested? Could those men have hesitated to disclose to their partners the fact that they had charges, and fair ones, against the company which had never been settled? or that they had expended money in getting up and circulating petitions, showing the necessity of increased speed, and a second daily line? or that they had received and disbursed the whole money received for the company, and that they were put to expense and trouble in doing so? All these things might surely have been told in the presence of the other partners who were jointly interested in the money and the expenditures; but it might, nevertheless, have been questionable whether the other partners would have been satisfied to allow them $17,500 for these services and expense, or whether they would have rested satisfied with the general allegation, that they "had to live free and be generous."

The testimony of Jesse Tomlinson, taken before your committee last spring, throws some light on this subject. He says, "Slaymaker told me that he was to let Mr. Brown have, or give Mr. Brown, $1,000 of it." And John Graham, another partner, as already stated, testified that Reeside and Slaymaker told him "that there was some route between Baltimore and Philadelphia on which they had been charged with extra allowance, but which they never had received, and some other charges of extra allowance which they had not received. They did not state what had been done with those extra allowances, but that the $10,000 was in part to cover those allowances which they had not received, and which had been charged to them, and for which they had done services, but had not received the pay."

Your committee, having received a detail of these circumstances, called before them Samuel R. Slaymaker, who refused to testify. (See Doc. 87.) A few weeks after, when your committee was engaged in another important investigation, a note was received from him, addressed to the chairman, in which he stated that he was in attendance, and ready to be examined. Your committee could not at that time conveniently examine him; and as he had voluntarily returned and submitted himself to their authority, they did not deem it incumbent on them to report his former contumacy specially to the Senate.

The concluding part of the testimony of Mr. McKee has strong relation to the reason and propriety of this extra allowance. This individual is a member of the company, and seems to have a very exact knowledge of the value of the improvement obtained by Reeside and Slaymaker in this contract, namely, the increase of compensation from $7,000 to $25,000. "I conceived, says he, "that the western owners, by losing this sum, (the extra of $10,000 a year,) were still very much benefited by the increased allowance." If that were the case, on what ground in justice and reason could Reeside and Slaymaker entitle themselves to it from the Department? If they incurred expense which rendered it just that they should have it, the same were borne in common with them by their partners; and if they rendered service on this route to the Department or the public, their partners contributed their due share in that service. But especially, if this enormous sum were paid for services rendered, why was it concealed for years by Reeside and Slaymaker from their partners? and when at last exposed to the world, why did they make a secret of the facts which they claimed should justify them in retaining the money?

On the whole, your committee are satisfied, from the evidence before them, that none of the reasons urged for granting this extra allowance are sustained. It does not appear to have been the original understanding that the newspapers should be carried through from Philadelphia to Pittsburg in the slow line, nor does it appear that the contractors began so to carry them at the commencement of their contract on the 1st of January, 1832, as alleged by the Postmaster General in his address. On the contrary, the proof is satisfactory that the mail was carried from the 1st of January to the 1st of April, as it was carried after the last-named date, without alteration or change; and if any complaints arose in consequence of delay in the transmission of newspapers on this line, it was because of an accidental or occasional neglect of duty in the contractors, and not because of any right or pretence of right claimed by them to place that part of the mail in their tardy line.

The excess of $8,000 a year allowed on the improved bid above the proportion which the services rendered under it bore to the services required by the advertisement, together with this extra allowance of $10,000 a year, which appears to have been made for no service whatever, make, in the aggregate, $18,000 a year, improperly paid by the Department to the contractors on this line.

There is one important particular in which the public has been deceived as to the services rendered by the contractors on this route. In the letter of the Postmaster General appended to the former report of your committee, which professes to give the number of miles which the mail is transported yearly in all the United States, it is stated as running twice daily from Philadelphia to Pittsburg. The truth is, that the mail is divided—part put in one coach and part in another. Both set out from Philadelphia, and make their way westward; and the mail, though it goes in different parcels, goes but once a day over the road. So far as the public interest is concerned, it were just as well to put it in different mail-bags in the same coach, and let the Department credit itself with each mail-bag as a separate mail passing over the road, as to put it in different coaches and give credit for each coach. But so it is; and on this single route the Department has set down to its own credit 220,510 miles of mail transportation more than it is entitled to. (See, also, in reference to the Philadelphia and Pittsburg route, documents Nos. 85, 86, and 87.)

Reeside's Contract—*Philadelphia to New York.*

The contract of James Reeside to carry the mail on route No. 951, from Philadelphia to New York, was noticed in the former report of your committee, as evidence of the incorrectness of the official reports from the Department, and also of the extravagant extra allowances which had been made to favorite contractors. We propose here to consider it only in its latter aspect, as to that the evidence since taken is confined; so far as relates to this point, it is noticed in the former report of your committee, page 12, as follows:

"It is stated in the report of the 18th of April, 1832, (document 212, page 2,) that James Reeside is the contractor for the transportation of the mail from Philadelphia to New York, in four-horse post coaches daily, at an annual compensation of $6,000, for four years from the 1st day of January, 1832.

By the report of the 3d of March, 1834, the contract is stated at twice a day, and the annual compensation (document 138, page 186) at - - -	$20,500
He was allowed, (page 187,) for extra services, a yearly compensation of - - -	5,125
Increasing the compensation on this route from $6,000, the legal contract, to - -	$25,625
And an express mail was ordered to be run on the same route at a yearly compensation of	3,150
Making the grand total, yearly, - -	$28,775

It was impossible for the committee, at that time, to investigate all the circumstances connected with this route, and they have considered it proper to pursue their inquiries in relation to it. This became the more necessary, as the Postmaster General, in his address to the people of the United States, comments upon this part of the report, denying its correctness. It is due, therefore, to the exhibition of truth, and a proper understanding of the conduct of the Department, that the facts should be fully detailed.

That the facts might be correctly understood, the committee called for the advertisements upon this route, 951, the several proposals which were made, and the contract which was executed, and they annex copies of them to this report. The advertisement is the guide, and the only guide, by which bidders can make their offers for carrying the mail, unless it happen (unfortunately for the public interest) that they have "well-wishers" in the office, and are permitted to know, not only the open and public wishes of the Department, but its secret purposes also. This advertisement is—

"951. From New York, N. Y., by Jersey City, N. J., Newark, Elizabethtown, Rahway, New Brunswick, Kingston, Princeton, Trenton, Morrisville, Pa., Tully Town, Bristol, Andalusia, Holmesburg, and Frankford, to Philadelphia, ninety miles and back every day, in four-horse post coaches; leave New York every day at 3 P. M., arrive at Philadelphia next day by 6 A. M.; leave Philadelphia every day at 3 P. M., and arrive at New York next day at 6 A. M."

A plain bidder, unversed in the management of post office contracts, would naturally suppose that the whole mail was to be carried once a day, and once only, each way, starting at 3 and arriving at 6 o'clock; but this view of the matter would certainly lead him to an offer which the Department would not accept. Under this advertisement four bids or proposals were made, the copies of which are referred to.

Doremus and Thompson (see document 92) offered to carry the mail, "agreeable to the advertisement," for the yearly compensation of $19,500, and "furnish guard for it, free of expense, to the Post Office Department." Ezra Platt & Co. (see document 93) offered to carry it for $8,000, "according to the advertisement," or for $15,000 in eleven hours, or in safety carriages, made for the express purpose of conveying mails, in ten hours, for $18,000. The Union Line Stage Company (see document 94) offered to carry it "according to the advertisement," for $13,200, for the first of the four years; for the remaining three years, their offer was to carry the great mail by the steamboats and the Camden and Amboy railroad, leaving each city at 3 o'clock and arriving at 12, making nine hours: the mail by land on the route, and within the hours stated in the advertisement, daily, in two-horse post coaches. They further offered to carry a morning mail, as it was at that time carried, for the first year, and for the other three years by steamboats and railroad, leaving at 6 A. M. and arriving at 3 P. M., (being nine hours,) for $16,000, in compensation for the whole service. They offered also to include the then contractor, Mr. Reeside, in their contract.

James Reeside offered to carry the mail, according to the advertisement, for $6,000, or to make the following improvements, "which (he adds) are required by the present state of the country;" to carry it twice a day during the running of the steamboats, the principal mail to go from office to office in 13 hours, leaving at 7 P. M. and arriving next day at 8 A. M., for $19,000, which was to include all the improvements to which he bound himself. The improvements he states in his bid to be—

1. "Such increased expedition to the mail between New York and New Haven as to leave New York after the arrival of this mail, and arrive at New Haven in time to keep the connexion perfect, and without any interruption or delay, to Boston, and also the same expedition in returning, which improvements (he stated) would require four additional teams, and increased expense of at least $4,000 per annum. This, by a corresponding improvement between Washington city and Philadelphia, which is perfectly feasible, will expedite the mail one whole day between Washington and Boston, and prevent many failures, by causing the mail to cross the Hudson at all times by daylight."

2. "The other mail to leave the cities in the steamboats at 6 A. M. and arrive at 5 P. M., being 11 hours."

3. "The mail shall always be guarded with suitable fire-arms, and during the night always attended with double guards, at my own expense; a defence rendered necessary by the importance of the mail."

4. "Whenever Government expresses shall be required, I will convey them in the shortest time practicable, without any expense to the Department."

5. "To carry the mail with as much speed as man and

horses or machinery will allow, whether on the railroad when completed or any part of it, whether by steamboat during the season or in four-horse post coaches at all times of the day, and at any season of the year, always using such expedition as may be prescribed by the Postmaster General, and with the same rapidity as any express can be conveyed."

6. By a postscript it is further "distinctly understood that he was to carry and deliver the mail at the two offices of New York and Philadelphia, the Department defraying the expense of barge and oarsmen in ferrying it across the river."

7. "It is also distinctly understood that the mail shall, at all times, both winter and summer, run through both ways, from office to office, in thirteen hours And when times of arrival and departure are altered, the same expedition shall be kept up without any increase of expense to the Department."

Under this advertisement, and these several bids, the contract was given to Reeside in preference to the others, as the lowest bidder. (See doc. No. 95.) He offered, at $6,000, to carry the mail on a route on which he had, under a former contract, received $10,900, (report 3d March, 1834, page 50,) with extra allowances.

The amount of his bid creates at once an unfavorable impression as to the fairness of the transaction. A contractor, by this practice of bidding very low, entirely beneath a fit and proper compensation, and adding improvements "required by the present state of the country," may secure any contract that the favoritism of the Department is disposed to confer. It leads, by almost inevitable consequence, to deception and fraud; and even if these be avoided, it altogether prevents competition. The other bidders did not, for they could not, know what improvements Reeside proposed, or the Department desired, and therefore could not offer to make those improvements. With regard to them, there was no competition; the whole object of advertisements and bids was defeated. In comparing the several bids, the committee can perceive no just and fair grounds on which the preference was awarded to the bids of Reeside. Compared with that of Platt & Co., and that of the Union Line, it was to be preferred neither in point of economy nor expedition. It contained, indeed, a lower sum for carrying the mail daily within the time mentioned, but it is perfectly apparent that the Department did not mean to have the mail conveyed in that way alone; 1st, because it had been, before that time, carried differently by Reeside, with the full approbation of the Department, and with large extra allowances. Two mails were then running between the two cities. And, 2d, because immediately after the bidding, the Department continued the former arrangement of two mails daily, and ordered improvements at an enormous increase of price.

It is equally apparent that Reeside did not mean to rely on his offer of $6,000 for his compensation, because he had, before that time, been receiving a much larger sum, and because his "improvements required by the state of the country" fell in, in several particulars, with the mode in which the mail was then carried by himself, and which he knew would and must be continued. He made a low bid to secure the contract "according to the advertisement," and looked to his "improvements" for his profits. The further investigation of this subject will more conclusively show that this view of the bid accepted is correct. Reeside seems to have understood the Department, and "the state of the country." The other bidders were less fortunate, though their bids were not less favorable to the public interests.

The bids were decided upon on the 4th of October, 1831, and on the 15th, eleven days after, the contract appears to have been executed. (See contract.) After stating the route according to the advertisement, it adds, "the Department is to defray the expense of carrying the mail across the Hudson river;" and then the improvements are enclosed in a bracket, before the sum to be paid, in the following words: [It is hereby stipulated that the contractor shall, whenever the Postmaster General shall direct, so expedite as to always run from post office to post office through the entire route in thirteen hours; shall run two mails a day during steamboat navigation, one to leave the respective cities in the morning and the other in the evening; and always give such further increased expedition as may at any time be necessary to perfect the connexion at each end of the route; shall furnish the mail with a double armed guard at his own expense, and so expedite as to gain one hour between New York and New Haven, or more, if required; and furnish Government expresses when required, for the additional sum of thirteen thousand dollars per year. And if a second daily mail shall be required by land during the winter, he shall carry the same for the further sum of fifteen hundred dollars a year.]

A comparison of the contract with the bid will show that they vary in several particulars, evincing that the bid was not the guide to the contract; however, it might have had efficiency enough to secure it to the contractor. But the committee will not detain the Senate by pointing out the variances, all of which appear to be beneficial to the contractor, not to the public; they deem it more important to exhibit the facts as they find them relating to the execution of the contract. There is upon the margin of the contract, in red ink, an endorsement in the following words: "the increased service stipulated in the contract was directed by the Postmaster General from the beginning, for which he is entitled to the additional sum of $13,000; and for the second mail, during the winter, the further sum of $1,500 per year." As the contract was executed according to the advertisement and bid for a mail, for 6,000 dollars, and as the improvements were merely inserted in brackets, as services to be performed when the Postmaster General should direct, the committee desired to know when this endorsement was made, and when the contractor was entitled to receive compensation. The endorsement was without date, and did not furnish the information. They therefore examined O. B. Brown, (see Doc. 96,) who superintended the lettings and contracts in that division in 1831. He stated that the endorsement was in his handwriting; and in answer to various questions said, "I do not know, but I presume about the time of the commencement of the service under the contract; I do not know that they were both made at the same time, but I presume the latter was made a little after the first, from the appearance. I have no distinct recollection of the orders given to make those endorsements, or of the circumstances, except that the Postmaster General did direct these improvements to be made, and the endorsements on the contract. I do not recollect if these improvements were verbal or in writing. I cannot tell if there are any papers or memorandums showing these orders. Those papers, if any, are with Major Hobbie; I have no recollection if there were, nor should I be likely to recollect it if there were."

Question. "In whose handwriting are the schedules annexed to the contract, one dated 14th May, 1832, the other 25th February, 1833?"

Answer. "I cannot tell, nor have I any recollection by whose orders they were made, nor time of making, further than the date. I do not know when this schedule was made, but presume it was made out at the commencement of the contract. The schedule is in the handwriting of Thomas Addison, I think."

There ought certainly to have been no difficulty in the history of this endorsement. It should not have been without date; the records themselves ought to have shown the time, as well as the sanction of the Postmaster General. The officer who superintended the contracts ought to have been able to explain it. It is the essential contract on the side of the Department, both as to service and pay. It authorizes all the improvements, gives validity and operation to the clause in the brackets, and raises the compensation of the contractor from $6,000 to $20,500.

It is difficult to give credit to the "presumption" of the witness, as to the time and circumstances attending this endorsement, or that it was made at a very early day.

The endorsement in its words refers to time past. The increased service, &c., was directed, &c., from the beginning, a phraseology quite unnatural respecting a present or very recent transaction. Again: if it was made at the time of the contract, no good reason can be perceived why the contract should not have embraced it, and been made for the improvements as well as the bid of $6,000; and if made "from the beginning," or shortly after it, the committee are at a loss to perceive why Mr. Reeside's account was left in the condition in which they found it. It was called for in September last, and, after examination, copies of it were ordered and furnished.

Throughout the year 1832, up to the 1st of January, 1833, no notice of this route or the improvements is to be found in it. They make their first appearance on the 1st of January, 1833; now if the improvements were ordered "at the beginning," if the services and compensation upon this route had been fixed, why was it omitted? The $20,500 are all charged and allowed on the 1st January, 1833; why were not the charges and allowances made at the end of each quarter? It was so done in other contracts which Mr. Reeside had, and there was no good reason for not doing it in this. He was in debt to the Department at the end of the first quarter $11,079 21, at the end of the second quarter $20,531 21, and at the end of the third $26,714 04. (See Reeside's account, Doc. No. 1.) If there was a liquidated and settled claim, a specific agreement existing between him and the Department, for a fixed sum, as this endorsement asserts, it is strange that the credit was not given, and these balances lessened thereby. Besides, the Postmaster General asserts in his address, (page 13,) that two propositions were made; the smaller was first accepted; afterwards, for the better accommodation of the public, the greater service was required, and of course the higher compensation given." If this be true, the endorsement was not made before, or at the beginning, and the higher compensation ought not to have been credited to the contractor from the beginning. The endorsement seems to be naturally connected with the time when the allowance for the extra service was made, at some period subsequent to the execution of the contract, and when it became necessary to give a sanction to payments previously made to the contractor; and it is perhaps unfortunate, on account of the inferences which may be drawn, that the time of the actual credits to the contractor was immediately succeeding an important presidential election, in which he was not inactive; and also that there should have been allowed at the very same time, on this same route, several other items, some of which are not to be found in the accounts, either preceding or subsequent to that particular date, (1st January 1833,) and others are unsupported by any evidence of the existence of the services. Exclusive of the $20,500 before mentioned, but including the express mail, they amount to about $9,956, and had the effect of reducing the balance of the advances made to the contractor from $26,714 04, as it appeared on the 1st October preceding, down to the unimportant sum of $1,314 26. These items are not specified in this place, as the attention of the Senate will be called to them in another aspect.

The committee has endeavored, as far as practicable amidst the impediments which they have had to encounter, to ascertain the manner in which this contract has been executed, and the nature and amount of the allowances which have been made upon it, and they submit to the Senate the results of their inquiries upon several points.

The advertisement was to carry the mail from "New York, N. Y., by Jersey City, &c. to Philadelphia." The bid was to carry the mail according to the advertisement for $6,000. In the improved bid it was "distinctly understood that he was to deliver the mail at the post office in the city of New York, and receive it at the post office in the city of New York, and convey it between that office and the river, and across the river, but that the Department will defray the expense of barge and oarsmen in ferrying it across the river, &c.

The contract was for carrying the mail "from New York, N. Y., by Jersey City, &c., to Philadelphia, the Department to pay the expense of carrying the mail across the Hudson river." There is a discrepance between the bid and the contract; by the former, the Department was to "defray the expense of barge and oarsmen; by the latter, the Department was to defray the expense of "carrying the mail across the river." But the discrepance is not important, for by both, as well as by the advertisement, Reeside was to carry it from city to city, and of course from office to office. He was to deliver and receive it at the office in New York, and convey it between that office and the river, and across the river.

Joseph Dod, (see Doc. No. 97,) in his deposition, states that he has carried the mail between the office in New York and Jersey City, since 1817. "From 1817 until Reeside became a contractor, he received from the Department 500 dollars per year; that Reeside then allowed and paid him 600 dollars." So that, under his former contract to carry the mail from city to city, Reeside did carry it, or rather pay for carrying it, across the river to and from the office. By express words he was bound to do so under the present contract. Yet Joseph Dod swears that, in 1832, he again became a contractor with the Department to carry this mail from the office to Jersey City at the rate of 800 dollars, which he still receives. The committee called for a copy of Dod's contract and account, and they are appended to the report, and sustain his oath. (See Doc. 98.) It thus appears that, in direct violation of the contract with Reeside, the Department has paid 800 dollars per year for performing a part of the service which Reeside was bound to perform, even under the original bid; in other words, has given that sum of money to him annually, amounting now to more than 2,400 dollars.

Another of the improvements on this route, embraced in the bid and the contract, was guarding the mail. The bid engaged that "the mail shall always be guarded with suitable fire arms, and during the night always attended with double guards, at my own expense, a defence rendered necessary by the importance of the mail."

By the contract he was to furnish the mail with a "double armed guard at his own expense." Joseph Dod, who carries the mail from the office in New York, and delivers it to Reeside at Jersey City, and is familiar with the arrival and departure of all the mails between the two cities, swears, "Mr. Reeside has two guards, one going and one coming, and has constantly had them since the contract. The one leaves here (New York) to-day, the other leaves Philadelphia, one each way, and go through from city to city with the great Southern mail, which leaves Marketfield street at four, by the boat. By a guard I mean a person who watches the mail bags during their transportation, and sees to their removal from one conveyance to another. The guard goes regularly, or at least I start him regularly. I do not know what Reeside pays the guards. They are armed. I am not aware of their being suspended at any time. None of the other mails are guarded. The mail which goes by land through Newark to Philadelphia by night is not guarded."

It thus appears, 1st. That the mail carried by night, when there may be danger of robbery, and on the route mentioned and contracted for, it is not guarded at all. 2d. That this "double armed guard, a defence rendered necessary by the importance of the mail," has dwindled down to a person who watches the mail bags during their transportation in steamboats and on the railroad, and sees to their removal from one place to another. As the committee cannot well perceive how a contractor can carry the mail without having a driver or some person to perform this duty, to watch the bags and see to their removal, they cannot regard this improvement as a very important consideration in making the contract, nor as justifying any increase of compensation on this route. If it occasioned the allowance of any part of the sum of 20,500 dollars, the money was uselessly and improperly thrown away, and ought to be no longer paid.

But the committee find that this item in the contract has not been without its use. Under the same date of the 1st of January, 1833, when the balance against him was so greatly reduced, there is found in Mr. Reeside's account (see Doc. 1) the following allowance: "Passage of mail guards both ways between Phildelphia and New York city, from 1st January to 31st December, 1832, (336 days) one passenger each way, every day, making 732 passages, at three dollars per day, being half price for each passenger, 2,196 dollars." Thus, in violation of the bids and promises by which the contract was obtained, in violation of the express terms of the contract itself, Mr. Reeside was, on the 1st of January, 1833, paid this large sum of money. The committee need not comment upon such a fact; its impropriety is abundantly apparent.

But the committee are of opinion that there has been even greater impropriety upon this route. The alternative bid of the contractor, setting out his manifold improvements, seems to have been used only for the purpose of securing him the contract, and the bid and the contract itself seem to have been entirely forgotten in the enormous payments over and beyond it.

Government Express between New York and Philadelphia.

Two mails were to be carried; one leaving the cities in the morning, and the other in the afternoon; and for the morning mail during the winter, 1,500 dollars were to be paid, in addition to the 19,000 dollars for the principal mail and the improvements. Mr. Reeside, in his bid, engages and binds himself thus: "whenever Government expresses shall be required, I will convey them in the shortest time practicable without any expense to the Department." And he adds, that he will "carry the mail with as much speed as man and horses and machinery will allow, whether on the railroad, when completed, or any part of it; whether by steamboat, during the season, or in four-horse post coaches, at all times of the day, and at any season of the year; always using such expedition as the Postmaster General may prescribe, and with the same rapidity as any express can be conveyed." It was determined, it seems, that neither the steamboat line, railroad, nor safety carriages, should get the contract from him. The contract binds him to run through in thirteen hours, to run two mails a day, morning and afternoon, "always give such further increased expedition as may at any time be necessary to perfect the connexion at each end of the route, and furnish Government expresses when required, for the additional sum of 13,000 dollars per year.

If the mails were faithfully carried under such a bid and contract, the committee cannot perceive how a necessity could exist for another regular express mail, nor for any expresses, unless upon some sudden and pressing emergency. If two mails were run with any thing like the promised rapidity, leaving both the cities every morning and afternoon, certainly all the purposes of correspondence, business, and news, would be answered, and all the just claims upon the Government in relation to the mails satisfied. The two mails were run morning and evening; at least they have been paid for at the rate of $20,500. But, in addition to this, we find in Mr. Reeside's account the following items:

1st January, 1833. Express mail, $787 50 per quarter.

For express mail from 1st January, 1832, -	$3,150 00
Extra expense incurred in keeping three extra teams between New York and Philadelphia, in consequence of the frequent detention at New York from one to two hours, for distribution of foreign mails, they frequently arriving just as the mail was departing, from 1st January to 31st December, 1832, - - -	3,000 00
1st April, 1833. An express mail - -	787 50
1st July, 1833. An express mail - -	787 50
1st October, 1833. An express mail -	787 50
	$8,512 50

Thus, for running an express mail for one year and nine months, and for keeping horses to meet frequent detentions of foreign letters of from one to two hours, the contractor received $8,512 50 in addition to $35,875, which he received during the same period for carrying the two regular daily mails. A contractor, too, who was bound to give every increased expedition required, and to carry the mail with as much speed as man and horses and machinery would allow, whether on railroads or in steamboats, by day or night, summer or winter; and send expresses without expense to the Government.

There is also the following item, under date of 1st January, 1833: "Sending Southern mail four trips to New York, when the steamboat did not arrive to keep up the connexion, at 150 dollars per trip, 600 dollars." (See Doc. 1.)

But the matter does not rest here. After the account had been furnished to the committee, and it appeared by it that the Department was, on the 1st April, 1834, in advance to Mr. Reeside $54,369 07, the officers of the Department requested its return, and then added to it, as of that date, several items, amounting in all

to - - - - - - -	$27,849 76
Still leaving a balance against him of	$26,519 31

Among these items, so added, is the following:

1st April, 1834. Running the daily express between Philadelphia and New York, 90 miles each way, through in six hours, by special orders from the Postmaster General, from 30th January to 8th March, 1833, it being 38 trips; that is to say, that two sets of horses run each way every day, making 152 trips, 90 miles each trip, at one dollar per mile for each set of horses, $13,680.

An express, by special order, for 38 successive days, at an expense of 360 dollars per day.

Thus, in addition to the two daily mails, the contractor has received for express mail and expresses $22,792 50. The history of their express mail and expresses is worthy of record. The express mail is not within the contract. The first notice taken of it is by another red ink endorsement, on another margin of the contract, in these words: "For an express mail, by order of the Postmaster General, 3,150 dollars per year;" to which there is added in brackets, in red ink, "[dispensed with—see entry, foot of contract.]" To this endorsement there is neither date nor explanation. When it was made, and when the order was given by the Postmaster General, the committee cannot inform the Senate. But there is no difficulty upon the point of payment; the account of Reeside shows that it was paid "from the beginning," and up to the 1st of October, 1833, five months after it was dispensed with; and also that during those five months he was receiving at the rate of 5,125 dollars per year for the substitute for it—for another arrangement of mails, which induced the Postmaster General to dispense with the express. This lapping of contracts, it will be perceived, has not been very uncommon with this contractor. That the Senate may understand the operation on this point, they insert here a copy of "entry at foot of contract:"

"1833. 25th April. J. Reeside engages to run in twelve hours between Philadelphia and New York, agreeably to the printed schedule of this date, and to carry an additional way mail from Philadelphia to Trenton, in time to lap on the steamboat mails, and back; and from New York to Brunswick with like connexion, and back, daily; and to connect the way mails from the post office at Brunswick with the steamboat line; also to connect the mails at Philadelphia between steamboat and post office. The two-horse stage line to be run during the season of steamboat navigation, all for the additional sum of five thousand one hundred and twenty-five dollars: service to commence on the 1st of May."

November 19th, 1833. "Express mail dispensed with, by arrangement made 25th April, 1833. Allowance of three thousand one hundred and fifty dollars to cease from day of 25th April, 1833." The account shows that Reeside was paid for this express down to the 1st October, 1833.

The committee called on the officers of the Department for a statement of the arrivals and the departures of the mails at New York and Philadelphia at different periods during this contract, and received a report from the assistant Postmaster General, S. R. Hobbie, dated 30th September, 1834, from which the following extracts are taken: (See Doc. 99.)

"In the winter of 1832 the express line, during the session of Congress and suspension of steamboat navigation—

"Left Philadelphia at 9 A. M., then 10 A. M.
"Arrived at New York by 9 P. M., then 10 P. M.
"Left New York at 7 A. M., then 8 A. M.
"Arrived at Philadelphia by 7 P. M., then 8. P. M.

"This connected with an express line from Washington to Philadelphia, established for the purpose of getting congressional intelligence into New York in time for the New York morning papers. It left Washington after the receipt into the post office of the Washington morning papers, say 2 A. M. of the day previous to its arrival at Philadelphia, and went by the way of Lancaster."

In the summer of 1833 the running of the great mail line, and of the second or city, is stated; but no notice is taken of the running of this express line. The report then adds:

"In the winter of 1833 the running of the different lines appears to have been the same as in the winter of 1832." On the 1st of May, 1833, a different arrangement was made, and this line dispensed with.

This is the whole account of this express mail, and the reasons for its establishment, afforded by the Department; and the committee direct the attention of the Senate to the extraordinary facts, that this line run in the winters of 1832 and 1833, but did not run in the summers of those years; and yet the contractor is paid at the rate of 3,150 dollars per year, through both summers, and for the entire period from the 1st of January, 1832, to the 1st of October, 1833, during much more than half of which time this mail did not run at all.

The committee, entirely dissatisfied with this account of this express mail, sought for information from other sources, and called before them several persons connected with the post offices in New York and Philadelphia.

Joseph Dod gave an account of four mails, which could not apply to this, as represented by the assistant Postmaster General, and added that he had known of none other, except the horse express, which will be hereafter examined. (See document 97.)

Joseph Benedict, a clerk in the post office at New York for seven years past, and who had charge of the distributing department, gave an account of the two mails morning and evening, and of the horse express, and added, that he knew of no other. (See Doc. 100.)

James Page, the postmaster at Philadelphia, stated the different mails, and that he knew of no express mail running on this route. He was, however, appointed postmaster on the 11th of April, 1833. (See Doc. 102.)

Beekman Potter, who had been a clerk for 8 years in the post office at Philadelphia, in answer to the question, "Do you know of any express mail running from this to New York since 1st January, 1832?" described the horse express, and added, "I know of no other Government express or express mail, except the above." (See document 103.)

The committee leave this evidence to the consideration of the Senate, with the single remark that it exhibits a most extraordinary state of things. A contractor, who is bound to furnish expresses free of expense, and to carry the mails with the utmost possible rapidity, receiving, in one year and nine months, $5,512 50 for carrying an express mail not mentioned in his contract, authorized by an unexplained endorsement without date, in red ink, on the margin of his contract, and which is stated by the assistant Postmaster General to have run only during the winter, not one-half of the time charged, and which these officers, connected with the distribution and carriage of the mails, know nothing about.

The committee will not offer any comment upon the two items before mentioned for the extra teams, on account of detention for foreign letters, 3,000 dollars, and the four trips to send on the Southern mail, 600 dollars. The evidence respecting them is appended, and, when examined, will leave the impression that they are appropriately placed in company with the several items to which the attention of the Senate has been more particularly directed; but the item respecting the horse express deserves further exposition. (See document 104.)

On the 1st of October, 1834, the committee called on the Postmaster General for the reasons of the employment of this express; what was transmitted by it; copies of the instructions respecting it, and the vouchers on which the compensation was made. On the 30th December his answer was received; it is hereto appended. (See document 105.) By reference to it, it will be seen that the reasons assigned are, that a private express had been established between New York and Philadelphia by one of the newspapers, on account of "the feelings of deep interest in the minds of the citizens, of the politicians, and of the commercial community of the city of New York," respecting the relations of South Carolina to the other States, and the course pursuing by the national Executive; by which express news from the South and from the seat of Government was anticipated one day in advance of those who depended upon the mail for intelligence; that it was likely to produce "an effect injurious to the mercantile interests of that great commercial emporium;" that "there was reason to believe it would convey all kinds of mailable matter, including letters, for the proprietors and their friends, which would very sensibly affect the revenues as well as the character of the Department;" and that "this arrangement was called for by the editors of the daily newspapers of the city of New York." The validity of these reasons are submitted to the consideration of the Senate. The orders for the express were issued from the Department at Washington on the 28th of January, 1833. (See O. B. Brown's letter, document 108.) Its arrival at New York is noticed in the letter of the postmaster as of the 31st of January. (See document 112)—(See letter.) The charge in Reeside's account is of the 30th of January, creating an apparent overcharge of one or two days. The call from the editors of newspapers in New York is dated 7th February, 1833, seven or eight days after the express commenced, and does not relate to the running of the first express between New York and Philadelphia, but to one started from Washington city to Philadelphia subsequently; and they express the opinion that it need not last more than a week or two, "to nip the plan in the bud, and effectually put a stop to such proceedings" (See Doc. 115.)

The orders given were to "outrun any and every express on that route, whatever expense it may involve." "Remember, this is an enterprise which calls upon all the energies of the 'celebrated Reeside,' and you must beat every express at least an hour, and as much more as you can. The credit of the Department is involved, and we look to you to redeem it. No labor or expense to be spared in doing so. Please answer. Begin immediately; the Department will not let you lose by it." (See letter of O. B. Brown, January 22, 1833, document 106.) The answer of 25th January has a N. B. "I will say to a certainty that I will go from this city to New York in six hours, or faster than any other one can do it." (See document 107.) Upon this answer being received, orders were given to run it in six hours, leaving Philadelphia at one o'clock, if the Southern mail had arrived, and reaching New York by seven; the return to be in the same time. The committee do not think it necessary to state, in detail, how far the order and the promise met in the execution. They refer to the depositions on this point, especially to that of Mr. Hale, (see document 121,) with the accompanying papers. It seems to have been frequently out of time. That it was generally beaten by the private express of Mr. Hale, and that it failed in its object. The return express from New York to Philadelphia was also wholly unnecessary; no private express ran that way, and nothing relating to the movements in South Carolina, or the measures of the General Government, could come from that quarter, and demand special despatch. The increased cost for the return express, whatever it may have been, was wholly without the excuse, by no means satisfactory, which is made for it from Philadelphia to New York.

The committee have not been able to perceive the propriety for its continuance for so great a length of time. It was, however, continued under the orders which were given for its first establishment. Those orders were: "This arrangement is to be continued daily, till the steamboat mails shall become regular as during the summer establishment;" and it was thus continued after the adjournment of Congress, when there was no rival express, and when the Department was paying for three other mails between those cities, which started at 6, 9, and 2 o'clock each day, and which cost the Government $23,650 annually, furnishing news for the morning papers. The deposition of Joseph Dod, (see document 97,) and the statements furnished by Mr. Hale of the times of its arrival, &c., show that it accomplished but little, if any thing, of the intended purposes of the Department.

The matter carried by this express was partial in its character, and, therefore, it was at least questionable in expediency. It carried only "the exchange papers from the South for the editors in the city of New York, and all the letters for the New York city delivery;" and, in returning, "the exchange newspapers from the East and North for the Philadelphia editors, and all letters for the Philadelphia delivery."

The vouchers upon which the sum of $13,680 was allowed for this thirty-eight days' service, are, a statement of the account (see document 117) by Reeside, at one dollar per mile each way, with the joint affidavit of William King, Thomas Cromwell, and Stephen Hartwell, who have engaged in running expresses, and the business connected therewith; that "they consider the charges therein as entirely fair and reasonable, and no more than a just remuneration for said services, and the necessary expenses connected therewith." The account is without date; the affidavit is of the 12th of December, 1833. The entry in the account of Reeside was made after the committee had received a copy of his account from the Department, and is of the 1st of April, 1834.

Reeside adds to his account a statement of the weight of the mail, the difficulties of the roads, and the injury to his stock, and claims $2,500 additional therefor; and Stephen Hartwell certifies (see document 118) "the charge which Mr. Reeside has made of $2,500 is as *wright* as my judgment will serve me to do justice to both parties." It seems, however, that this item was not credited on the books of the Department, when the additions to the account of April 1, 1834, were made in October last; and thus far, if the charge be right, the contractor has been treated rather harshly; for he was most distinctly assured that "no labor or expense was to be spared," and that "the Department would not let him lose by it."

To the committee, however, the charge which was allowed seemed enormous, and they sought for information in regard to it. Having learned that Abraham C. Schench had been employed by Mr. Hale in the private express, they called him as a witness, (see document 122.) He estimated the value of Reeside's services at eight dollars per mile per day, or $720 per day for the ninety miles, which would have amounted to $27,360 for the thirty-eight days—an estimate which can hardly be regarded as of much value when the deposition is read and compared with that of Mr. Hale, and when his principles of calculation are understood. The committee chose not to rely upon it, but to inquire into the items which would compose so large a sum. He stated them, and, among others, considered Reeside as having injured his horses to half the amount of their value, by running them five miles per day for thirty-eight days, at a rate not over fifteen miles an hour. Yet even with this allowance, amounting by his estimate to $3,060, and adding all the other items which the committee could suppose would enter into a statement of expenses, and giving to Mr. Reeside $1,000 for his own trouble, they do not perceive how the account could have arisen to much more than $6,000—not the one-half of the sum which has been allowed.

John A. Wertt was also called to this point, (see document 123.) He, with his partner, Hutchinson, carried the express for Reeside for twenty-five miles, and bore all expenses of every kind from the 4th February to the 7th March, (the day it stopped,) and received therefor $1,885 71; which makes $57 93 per day for twenty-five miles, and for the whole route of ninety miles, $208 55 per day, and $7,924 90 for the period of thirty-eight days, and about $1,000 more than one-half of the sum allowed for this express.

But this express was got up for a special purpose—that of running down the private express established by Mr.

Hale, the editor of the New York Journal of Commerce. That it did not beat his express is clearly shown by the testimony of all the witnesses; and Mr. Hale testifies that while his private express answered all the purposes for which it was intended, and was discontinued only upon the adjournment of Congress, this express failed in numerous instances of its object, having arrived but six times in ten days so as to get the intelligence from Washington in time for the morning papers. Therefore, as the private express succeeded, and the Government express failed of its object, and as their objects were the same, (the one being established in reference to the other,) it would be at least fair to say that the Government express which failed ought to cost no more than the private express which succeeded. Mr. Hale exhibited to your committee, under oath, a statement of the whole cost of his express, and it amounted to 3,300 dollars. The amount paid to Mr. Reeside for his was 13,600 dollars. In deciding upon the propriety of this enormous allowance, it ought not to be forgotten that Reeside was bound by his contract to furnish all Government expresses free from charge, (see Hale's deposition, document 121.)

The committee now desire to call the attention of the Senate more particularly to the manner in which the mail has been carried upon this route, and the amount of compensation which has been paid for it.

The contract was to carry "the mail" upon this route. The nature, weight, and extent, of that mail was perfectly understood both by the contractor and the Department when the contract was made, and it embraced all the mail, not merely letters, but newspapers, pamphlets, public documents, &c., and was to be carried for 6,000 dollars per year.

1. The great mail, as it is generally called, has run pretty regularly at the prescribed times, and been paid for at the contract price of 6,000 dollars.

2. In addition to this, one of the red ink endorsements states another mail was ordered from the beginning, at 1,500 dollars per year, which has been regularly paid for. This is called the second or city line. It existed when the contract was executed, and must have been within the contemplation of the contractor when he made his bid; he was then carrying it, and made no offer for it as a separate service. It was, indeed, but a part of the mail between New York and Philadelphia, for the convenience of those cities alone. It is sent at 6 o'clock A. M. in the steamboats, while they are running, and in its departure and arrival depends on them, and in stages in the winter, during which time the contractor has usually had three lines of stages for passengers between the two cities; one of which started at 6, another at 10, and another at 2 o'clock; into the first of which lines this mail is thrown. Postmaster Page says it carries the letters from this city for New York city alone, and one of the clerks says it is not sent in the winter. This mail accommodation to the two cities, while it is useful to the public, has the effect of relieving the contractor from a portion of the weight which he would otherwise have to carry, and the actual expense of carrying it must be very small; it is but the weight of these mail-bags in a coach or steamboat which would make the trip at any rate, and the weight which is thrown into this is taken out of some other coach or steamboat; for the whole mail was, by his first bid, to be carried for 6,000 dollars. One of the witnesses examined on this subject testifies that it is an advantage to the contractor to permit him to divide the mail, and take part by one conveyance and part by another. The committee refer to the affidavits of James Page, Joseph Benedict, Beekman Potter, Joseph Dod, and George Taber, (see documents 100, 102, 103, 97, and 124.)

3. The express line before referred to, paid for at the rate of $3,150 per year from 1st of January, 1832, to the 1st of October, 1833. On this line further explanation is not necessary, except to remark that we have not been able to discover by what line of stages or steamboats it was carried, or that it was ever carried at all.

4. "The third or slow line, for bulky matter." This purports to leave the cities at 10 o'clock, A. M. It is carried in steamboats when they run, and in the winter in a line of stages for passengers which started at that hour. Mr. Page, the postmaster at Philadelphia, calls it the ten o'clock or the slow line, and says, "it takes all the periodicals and newspapers which are not sent by the fast line. He cannot answer particularly as to how it is carried when the steamboats do not run."

Beekman Potter, speaking with reference to the last-named line, says: "The next one is the transportation line, which carried papers, documents, &c., was irregular in its time of applying to the office for mail, coming for it at all hours. This transportation line carried merchandise, and took two days to two and a half to get through; when the boats did not run, this mail matter was carried in wagons.

George Taber says: "By the ten o'clock line we send bags containing documents, newspapers, and all heavy matter we may have in the office at that time, not letters. It goes, when the boats run, by them; when they do not it is taken by the other lines. We put on the fast line when it is starting all that can be carried by it, preferring all daily papers, and leaving documents, weekly papers, &c., which go by the way line. The 10 o'clock mail ceases when the boats do not run, so that when the boats do not run there are but two lines.

All that is to be elicited from this confused jumble of mail lines and transportation lines, and fast mails and slow mails, between these two cities, is this: they have between those cities one regular daily line which runs for the purpose of carrying the mail; all the rest of the lines are adjusted and arranged to suit the convenience of the contractor, and relieve him from a part of the weight of the mail in his principal mail line; not for the benefit of the public so far as expedition is concerned, but to their injury, a large portion of the mail matter being sent in transportation wagons which carry merchandise from city to city.

5. The statement of the assistant Postmaster General describes the present arrangement of the mails to be, "the great mail;" "the 2d, or city line;" "the slow line for bulky matter;" "the 4th, or way line, through Pennsylvania and Jersey towns." The postmaster at Philadelphia also mentions this way line as one of the four mails now running.

The history of this "way mail" is somewhat curious. It means nothing more than the mail for the several towns in Pennsylvania and New Jersey, on the route between the two cities, which was advertised and contracted for, and was always carried, with the great mail, until the improvements came into fashion under the present contractor; now it has assumed the importance of a separate distinct line. It has been changed with all the variations which suited the convenience or caprice of the contractor, and the people on the line have been subjected to inconveniences never known until these mails were so improved. (See Doc. 101.)

While the great mail was carried in the afternoon this way mail was carried with it, and regularity existed. It has since had various turns and transmigrations; at one time a two-horse coach line with prolonged time, not increased speed; at another, it was carried by the steamboats to Bristol, and thence in wagons and two-horse stages by land; and recently, by the steamboats to Bordentown, and thence to Trenton; of which latter change George Taber says, "I do not consider it as any different arrangement; it is only dividing the matter; it however gives Trenton the accommodation of a second daily mail instead of one."

An examination of the foregoing facts leads to the conclusion that there has been, under the present contracts and improvements, but one regular and uniform mail, the great mail which carries, or ought to carry, all the mail matter from north to south. The "city mail," which is an accommodation, and a very proper one, to the two cities, does, during steamboat navigation, pass between the cities with regularity and expedition; this does not appear to be the case during the suspension of steamboat navigation. All the others, with all their improvements, have been merely a division of the mail matter, and a relief to the contractor, by permitting him to send a part of the weight which he had to carry, at one time by one of the lines of steamboats or stages, and at another by wagon, or the transportation line, but all of them ending by putting into his pocket large sums of the public money.

One of the principal grounds of boast in the improved bid was the increased speed, one of the professed objects of all the movements of the Department was to obtain and receive greater expedition. The committee feel every disposition to encourage that object, and would be willing to yield a liberal compensation to the contractor who would secure it, not in promises, but in performance. They therefore sought the best evidence that they could obtain on this point; the result of their inquiries is detailed.

The advertisement was to carry the mail from city to city between three P. M. and six A. M., fifteen hours. The contract was to carry it for 6,000 dollars in that time; the improvement, adopted "from the beginning," was to carry it in thirteen hours, and expedite it still more as the Postmaster General should require. The schedule of the time of departure and arrival, which is annexed to and recognised in the contract as the rule to which the contractor is to submit, prescribes thirteen hours for the winter arrangement, from the 1st of January, 1832, for the principal line, the extra line, and the summer arrangement, and eleven and twelve hours for "the express line for the winter only." The statement by the assistant Postmaster General gives for the early part of the contract, "the great mail line" in fifteen hours; "the city line" (by the steamboats) in twelve hours; "the express line," during the session of Congress and suspension of steamboat navigation, twelve hours. In the summer arrangement of 1832, the "great mail line" thirteen hours; the second, or "city line," twelve hours; the way mail, through "Pennsylvania and Jersey towns," in the summer of 1833, from six A. M. one day, to eleven A. M. next day, seventeen hours. And the present arrangement of what he calls the four lines, as follows: great mail line from eleven to thirteen hours; the slow line, for "bulky matter," twenty-four hours; the way line, for "Pennsylvania and Jersey towns," from Philadelphia to New York, twenty-three hours; from New York to Philadelphia, twenty hours; and the second, or "city line," (by steamboats,) eight hours.

By a third endorsement, in red ink, on the schedule of 14th May, 1832, the contractor was directed to arrive at New York from Philadelphia by 8 A. M.; which, if it apply to any of the mails set out in the schedule, is an extension of two hours of the time in the contract, giving fifteen hours, and taking away the most substantial promise of the bid. Indeed, it takes away the only remaining improvement on this route; for the committee have already shown that he has been most liberally paid for his expresses, guards, &c. But this extension is not all; there is another red ink endorsement on the schedule, which extends the time not only beyond the promised improvement, but beyond even the advertisement and the contract, and the schedule: it is in these words: "25th February, 1833. It is understood that the contractor is to be allowed sixteen hours during the winter arrangement." Thus it appears that so far as the Department and the contractor are concerned in the written evidence on the records, the increased expedition has been, from the beginning, little more than pretence; during the season of transportation by steamboat and railroad the mail does necessarily, and as a matter of course, make its way from city to city with the same speed that every thing else goes the same road, and the contractors could not delay it without incurring additional expense in doing so.

The execution but too truly corresponds with the written evidence; your committee could no where hear of the express line; they can therefore give no account of its speed, but from the statement of the Assistant Postmaster General, of what it ought to be.

James Page, postmaster at Philadelphia, swears: "I should say that the 6 o'clock city line and way line arrive together, from 3 to 5 o'clock, P. M.; the 10 o'clock slow line about 10 next day; and the fast line from about half past 3 to 5 on the morning of the next day. That is, as near as may be, the time of the arrival of those mails."

George Taber swears: "At six in the morning we send the way mail and New York city mail together. These mails leave at 6 o'clock, A. M. The "way mail" is allowed, I think, thirty-six hours to go through, and when the steamboats do not run, the New York city mail takes the same time." The other lines he describes as they have before been mentioned.

Joseph Benedict, in answer to the question, "Has there been any increased expedition in the conveyance of the mails between Philadelphia and New York for the last two years, except the express horse mail?" answered: "We have received the mails, I think, at the same time throughout the two years."

The committee were aware, from the evidence before them, that the mails have for some time past been principally carried in steamboats, on the railroad, by two-horse coaches, and in wagons. They were, therefore, desirous to ascertain the exact amount which Mr. Reeside pays for their transportation, in order that they might compare that amount with the sums received from the Department, and exhibit the clear profits which he is enabled to receive from his contracts and improvements. They have not been able to obtain such information on this point as to justify them in presenting the result to the Senate, and must, therefore, omit this statement. They will close what they have to say by exhibiting, in detail, the sums paid to the contractor for carrying the mail on this route, from 1st of January, 1832, to the 1st of July, 1834.

1st January, 1833.	Great mail - -	$6,000 00
	Increased service -	13,000 00
	Second mail, or city line	1,500 00
	Express mail - -	3,150 00
Penalties, $1,090.	Extra teams for detention, &c. - -	3,000 00
	Carrying mail bags -	520 00
	Four trips with Southern mail, &c. - -	600 00
	Passage of mail guards -	2,196 00
1st April, 1833.	For three mails and increased service -	5,912 50
1st July, 1833.	For do do -	5,912 50
1st October, 1833.	For do do -	5,912 50
1st January, 1834.	Mails and increased service - - -	4,750 00
	Second weekly mail during winter - -	375 00
	Running through in 12	

	hours, and carrying additional way mail, from May 1, 1833 - -	3,421 36
1st April, 1834.	Mails, &c. - -	5,125 00
	Running through in 12 hours, and additional way mail - -	1,281 25
	Horse express - -	13,680 00
1st July, 1834.	Do - - -	6,406 25
Penalties, $600.	Express stage mail between New York and Philadel'a, from 25th April to 30th September, 1833 - -	1,367 31
	One additional month's pay for discontinuing same - - -	262 50

Thus it appears there has been paid to this contractor - - - - $84,372 17 for carrying the mails between New York and Philadelphia in two years and a half, being at the rate of $33,748 86 per year.

During the same period he had 1,690 dollars remitted to him for penalties which he had incurred for failures in complying with his contract. What proportion of them are upon this route the committee are unable to state; but they are entered at those periods when large balances are to be cancelled; $1,090 were remitted on 1st January, 1833, and $600 on 1st July, 1834; and both sums follow, in his accounts, the items of charge for this route on these days.

It ought also to be observed that the enormous sums credited on this route, except the last, appear by the account itself to have been made when he was greatly indebted to the Department for advances which had been made to him.

There is one other circumstance apparent upon the face of this account which ought not to pass unobserved. The express mail, which was authorized by one of the endorsements on the contract, is charged for from the beginning at $3,150. By the entry at foot of contract, bearing date 25th April, 1833, a new arrangement of mails was made, at a compensation of $5,125. By another entry, at the same place, dated 19th November, 1833, it is stated that the "express mail was dispensed with by arrangement made 25th of April, 1833; allowance of $3,150 to cease from the day of 25th April, 1833."

Mr. Hobbie, in his statement respecting the mails, says that the express mail was dispensed with by the new arrangement, which went into effect on the 1st of May, 1833.

It is thus established that this express mail, if there ever were such a mail, ceased either on the 25th of April, 1833, or on the 1st of May, 1833. Now, in the account it appears that it is charged for, not up to the 25th of April or 1st of May, 1833, but up to 1st of October, 1833, five months after it stopped. It further appears by the account under date of 1st of July, 1834, that he was then allowed for this express mail from 25th April to 30th September, 1833. Thus he has been twice paid for this mail for five months after it is said to have stopped, for it is proper again to observe that your committe cannot find that it ever ran at all.

Nor is this all; on the 1st of January, 1834, this contractor is credited with the new arrangement from the 1st of May, 1833, $3,421 36. So that he has received twice over for the express mail for five months, when it did not run, and during the same five months received extra pay for the new arrangement; and by this allowance, and by like allowances above examined, are balanced, the very large advances of public money made by the officers of the Department to this contractor.

In the account of James Reeside, furnished by the Postmaster General to your committee, is an entry of the following tenor: "1829, March 13, an additional allow-for expediting the mail between New York and Philadelphia two hours and a half, by direction of the Postmaster General, per letter 21st May, '28, for five months and twenty days, $[illegible],361 11."

This allowance, which was made before the present Postmaster General came into office, rests upon the following facts. On the 21st of May, 1828, Phiness Bradley, (see Doc. 125,) then assistant Postmaster General, wrote to James Reeside, instructing him so to increase his speed between New York and Philadelphia as to run through in 11½ hours instead of 14 hours, the time allowed by contract. And in the winter of 1829 Mr. Reeside presented an account of these services for five months and twenty days, amounting to the above-named sum, which was allowed by the Postmaster General.

It is to be inferred from the account presented by Reeside that the increased speed was kept up for no more than five months and twenty days, and then went on as required by contract, for if it had been a continuing service he would have charged for more than five months and twenty days from the 21st of May to the 1st of January, up to which time the amount of his allowance would in the ordinary course of thing have been computed. It would seem, therefore, that the extra service and the extra allowance had ceased from about the 10th of November, 1828.

The account of Reeside for the last two quarters in 1828, (see Doc. 126,) and the first two quarters in 1829, is credited with transportation from Philadelphia to New York, an additional allowance per quarter, 3,350 dollars, which sum does not include the increased speed above particularly noticed. But under date of the 1st of October, 1829, there is in his account the following credit:

"1829, Oct 1. By expediting mail Philadelphia to New York city, from 1st January to 1st July, 1829, $3,000

Same date. Philadelphia to New York city, additional allowance and expediting the mail - $5,350

instead of $3,350, the quarterly allowance as it had before stood, making an advance upon it of $2,000. The next quarter this transportation is credited at $4,350, making an advance of but $1,000, and it is continued during the rest of the contract alternately, the two winter quarters at 4,350 dollars each, and the two summer quarters at 5,350 dollars each; making an advance upon the contract since January 1st, 1829, of 6,000 dollars a year, amounting in the three years to $18,000. Your committee called for an account of this allowance, and received the following copy of a letter explanatory thereof:

Post Office Department, *9th Oct.*, 1829.

Sir: From a strict examination of the documents and testimony of the extra expense incurred by you on route No. 231, from Philadelphia to New York, in so expediting the mail as to carry it through both ways in 11½ hours instead of 14 hours, including the expense of crossing the Hudson in the night, it appears that the sum of 6,000 dollars a year will nearly cover it, viz: 2,000 dollars from October 1st to April 1st, and 4,000 dollars from April 1st to October 1st. The great importance of keeping up this expedition inclines the Postmaster General to continue the arrangement made by his predecessor, and to sanction the allowance. He therefore instructs me to inform you that your additional allowance will be for the first and last quarter in each year 1,000 dollars per quarter; and for the second and third quarter in each year 2,000 dollars per quarter; to commence with the first of the present year. This is nearly equal to the rate allowed for similar services during a part of last year. The allowance will cease if the increased expedition shall at any time be discontinued.

O. B. BROWN.

James Reeside, Esq., *Present.*

I certify the above to be a true copy from letter book No. 2.

A. NELSON,
Principal Clerk, Northern Division.

It is worthy a passing notice that Mr. Brown, in this letter, which seems to have been intended for the inspection of others besides Reeside, says, in reference to the allowance noticed in it, that it was "nearly equal to the ratio allowed for similar services during a part of last year;" thus conveying the idea that the allowance was a little below that ratio. The allowance "during part of last year," referred to, was, as stated above, $2,361 11, for five months and twenty days, or 173 days. This allowance, which is said to be nearly in an equal ratio, is $6,000 for one year, or 365 days. Now, if 173 days give $2,361 11, 365 days will, by the same proportion, give, $5,039 33. So that this allowance in fact exceeds the ratio allowed for similar services during a part of (the then) last year, by $960 67 a year; equal in 3 years to $2,882 01.

There was not presented to your committee, in answer to their call, any order of the Department for running at the same speed on this route from January 1, 1829, to October 1 of the same year, that it did run from May 21 to November 11, 1828, as above shown; that is, through from Philadelphia to New York in 11½ hours. The letter of October 9, 1829, above set out, contains instructions to run thereafter at the same speed, and it refers to documents and evidence showing the expense incurred by increased speed theretofore; but, on a special requisition for the documents and evidence referred to in that letter, there are none to be found which apply to the time in question, or which go to show that the mail was carried through from city to city in less than the original contract time, from the 1st January to the 1st October, 1829. The allowance, therefore, of the three thousand dollars from the 1st January to the 1st July 1829, for increased speed, and of two thousand dollars from the 1st July to the 1st October, being an extra of five thousand dollars for nine months, was founded upon no previous order of the Department for such service, and upon no evidence showing that such service had been rendered.

The letter of October 9, 1829, contains an order for the continuance of the arrangement made by the predecessor of the present Postmaster General, and for running through from city to city in 11½ hours; and fixes the price at $6,000 a year for the extra service; which sum continued to be paid until the 1st January, 1832. But your committee find, on inquiry, that this extra service was not rendered.

Notwithstanding this allowance of $18,000, entered to the credit of James Reeside, on the 1st October, 1829, and between that day and the 1st January, 1832, inclusive, there was at the last named date a balance against him on the books of the Department, of $7,751 13. This sum is nearly liquidated by two credits of very extraordinary character, which were made to him upon the books just at the close of the quarter. The first is as follows: "1832, March 31. Extra expense incurred in keeping two extra teams between New York and Philadelphia, in conseqence of frequent detention of the mail at New York, from one to two hours, waiting for the distribution of foreign mails, they frequently arriving just before the departure of the stage, for three years, from 1st January, 1829, to 31st Dec., 1831 $4,500." (See Doc. 126.)

The following is the account given of this allowance by the Postmaster General, in his letter to the Senate of the 3d March, 1834, pages 238-9:

"James Reeside was the contractor for carrying the mail, daily, between Philadelphia and New York, at an annual compensation of ten thousand nine hundred dollars, from 1st January, 1828, to 31st December, 1831; also, twice a day from 1st January 1832, at twenty thousand five hundred dollars per annum.

"On this route it was found that very frequently a packet from a foreign port would arrive at New York just as the mail was about to depart for Philadelphia, with thousands of letters containing commercial intelligence of the most interesting nature to all the different mercantile towns in the Union.

"The delay of these letters for the South would have a most injurious effect upon all the Southern merchants, and others interested in the foreign market, and not unfrequently would it subject them to heavy losses, by earlier and secret information being sent on to special agents by express. To prevent these evils, the contractor was instructed, in all such cases, to delay his departure from New York till such letters could be distributed and mailed for the South, and then to supply such additional stock as to run through in time to perfect the connexion with other mails at Philadelphia. The delays were proven to be from one to two hours; and testimony was furnished to show that the contractor was compelled, by the fulfilment of this order, to keep in continual readiness on the road, two extra four-horse teams, with their drivers.

"The expense for the increased expedition on the route for but half the year 1828 had been two thousand three hundred and sixty-one dollars and eleven cents; and to save this expense during the subsequent periods, which would have amounted to more than four thousand six hundred dollars a year, the direction was given as above stated; and for the expense to which it subjected the contractor he was allowed, from 1st January, 1829, to 31st December, 1831, at the annual rate of 1,500.

Thus the Postmaster General, having considerably increased the rate of allowance made by his predecessor for increased speed, and having continued the allowance so increased during the whole term of the contract, without requiring any part of the increased service for which it was first allowed to be performed, does, some three months after the contract is ended, make the additional extra allowance of 4,500, dollars; and the object of making it is, as he says, "to save this expense during the subsequent periods."

The second item of the same date is as follows: "Carrying from Philadelphia to New York city all the large mail bags intended for use in the State of New York, averaging five hundred pounds per week for the same period, $1,560." (See Doc. 126.)

Your committee are by no means satisfied that this very unusual allowance is correct. They could find no vouchers or evidence to show that the weight of mail bags here charged was transported between those two cities; and the sum allowed is about three times the value of the transportation, even if the weight charged were actually carried.

The whole amount of payments which have been made to James Reeside since the 1st of April, 1829, for services which he did not render, and the excess of pay beyond the amount which the law would warrant for services which he did render, does, according to the best estimate which your committee can make upon all the evidence before them, exceed one hundred thousand dollars.

Pecuniary transactions between the Postmaster General and Reeside.

Your committee would again call the attention of the Senate to certain pecuniary transactions between the Postmaster General and James Reeside; and also between Obadiah B. Brown and Reeside and Slaymaker, noticed in pages fourteen and fifteen of their former report. The first-named case is stated in the following words.

"It also appears that, in the spring or summer of 1831, Mr. Barry applied to Reeside, in Philadelphia, to assist him in negotiating an acceptance for $1,000, to raise some money for his (Barry's) individual use. Instead of doing this, Reeside advanced him the $1,000; and he stated before the committee that Mr. Barry paid it by his acceptance at a short date, which he (Reeside) negotiated in the Schuylkill Bank. On inquiry of the cashier of the Schuylkill Bank, we were informed that no such acceptance was negotiated there."

The very large amount of the extra allowances made to Reeside and some other individuals, gave, in the judgment of your committee, strong ground for the opinion that a portion of those allowances were used for secret purposes, or that they were shared by individuals having authority or influence in granting them. Hence they felt it their duty scrupulously to examine the pecuniary transactions of those principal contractors with the officers of the Department. Reeside, in his testimony taken on the 21st of May, 1834, in part of his answer to the inquiry, whether, at any time, he gave, handed over, or lent, any sum of money to any officer of the Post Office Department, says: "Another instance in which I lent money was, when Major Barry was in Philadelphia, about three years ago, and was about to bring away his family and his sick son, who had been under Doctor Physic, at an earlier period than he had intended. He applied to me to know if I could not get him an acceptance for $1,000 negotiated, to enable him to bring his family home. I told him I could loan him $1,000, which I did, and he gave me his acceptance for that amount at a short date, probably at thirty days. It was negotiated at the Schuylkill Bank, and paid at maturity." Your committee thereupon addressed a letter to the cashier of the Schuylkill Bank, inquiring whether such draft had been negotiated there, and received for answer that it had not. The first letter not having described the instrument according to the description of it given by the witness, and this being discovered, a second letter was written, correcting the error, to which, also, an answer was received to the same effect. Under these circumstances, your committee referred to the evidence as it then stood, and left it without comment. But subsequently to the presentation of that report, information entirely satisfactory has been received from the cashier of that bank, and from other sources, that such a draft as was described by Reeside had been negotiated in that bank some six months before the supposed date, but payable at ninety instead of thirty days. Your committee have no doubt that it is the same draft mentioned in the testimony of Reeside; and they now refer to this additional evidence, for the purpose of correcting any erroneous inferences which may have been drawn from the state of the proof as it existed at the close of their former investigation.

Pecuniary transactions between O. B. Brown and Reeside & Slaymaker.

The pecuniary transactions of Obadiah B. Brown, chief clerk of the Department, with Reeside & Slaymaker, were considered by your committee in connexion with the extra allowance of $10,000 a year to those contractors, for carrying the newspapers in the rapid line between Philadelphia and Pittsburg. It is set forth in the former report, pages 14 and 15, in the following words:

"Some time in the year 1832, O. B. Brown applied to Slaymaker for a small loan of money, ($300,) which Slaymaker accordingly lent him, but took no note, and made no memorandum of the transaction, which took place in the presence of no one but themselves. At another time, Mr. Brown asked Slaymaker if he could lend him $3,000, at the usual rate of interest. This also was promised; and some time after, about the 1st of January, 1833, Mr. Brown renewed his request, and said he had made a purchase of the property of Doctor Temple, on the faith of the promised loan. The witness stated before the committee that, at that time, he had not the required sum of money at command, but undertook to raise it, and did raise it by means of drafts. These drafts were two in number, for $1,500 each, drawn by Samuel R. Slaymaker on O. B. Brown, and endorsed by James Reeside, and payable at ninety days' date. They were negotiated at the Western Bank in Philadelphia, and sent to the Patriotic Bank in Washington city for collection. They were paid at maturity by the proceeds of a draft drawn by James Reeside on O. B. Brown for $3,000, at ninety days. This draft was suffered to pass a day or two beyond its maturity without payment; but on the 18th of July it was paid out of the proceeds of a draft drawn by Samuel R. Slaymaker on James Reeside for $2,000, and $1,000 in cash paid by Slaymaker; and O. B. Brown at the same time drew on Reeside for $2,000, which drafts were sent to the Bank of Maryland for collection. It appears that neither Reeside nor Slaymaker made any charge, or kept any memoranda of these transactions; that they have no note or acknowledgment of Brown, showing his liability to them, unless it be the drafts which were taken up, which Slaymaker says he thinks he preserved, but of which he does not profess to be certain. He nevertheless denies absolutely that it was intended as a douceur or gratuity to Brown. Reeside states that Brown paid him $1,000 in part of this loan. But this transaction is the more remarkable when taken in connexion with another testified to by Edwin Porter, which will be found in another part of this report."

The transaction between Brown and Reeside & Slaymaker remains, as far as your committee are informed, precisely as it did at the close of their examination of that subject in May last. Slaymaker, in his evidence taken before the committee on the 17th instant, says that he has seen no note or memorandum, or other entry, of the loans made by him to Mr. Brown, among his books or papers, and that no part of this loan had been yet repaid to him.

Pecuniary transactions between O. B. Brown and Edwin Porter.

The state of the case, so far as relates to the supposed loans to Edwin Porter, is materially changed. It appears by the testimony of Porter, (see Doc. No. 127,) who was again and more particularly examined, that these loans were, in fact, investments of money in companies having large Post Office contracts, on one of which there was one hundred and fifty failures in a single year, and no penalties enforced, and in the other a large extra allowance; the application for which seems to have passed through the hands of Mr. Brown, and the allowance was by him, as a confidential officer, obtained of the Postmaster General.

Brown, upon his examination, admits that he had for some time an interest in those mail contracts; or rather, that he made an investment, or advance of money to Mr. Porter, under the agreement that he should have the right to elect whether he would have an interest in the contracts, or whether the money should be considered as a loan at legal interest. (See Doc. No. 96.) He admits also that he received $1,000 for the use of $4,500 for one year, which is $730, more than the legal interest on that sum. He further alleged that the money first advanced, being $3,500, belonged to his step-son, Doctor Jackson; and that the second sum, of $4,500, belonged to the heirs of Doctor Jackson, then deceased. It appears by the concurrent testimony of these witnesses that the transactions were closed some time in the fall of 1833; that Brown withdrew from the partnership, and Porter gave his notes for the original sums advanced; the first, for $3,500, was dated back to the 13th January, 1832; and the second, $4,500, was dated the 1st November, 1833. Both the notes were taken by Mr. Brown in his own name, and neither the names of Doctor Jackson, or that of his widow or heirs, appear in the transaction.

Brown stated upon his examination that, in August, 1831, he had in his hands of the money of Doctor Jackson upwards of $4,000; and on being asked whether he had any entry in any book, or any writing, showing the amount of Doctor Jackson's money in his hands, he says: "Doctor Jackson's accounts and mine were between ourselves, and he had in his hands my written acknowledgment of it." And added, in answer to other inquiries, that it was in the custody of Doctor Jackson's widow, and that he presumed she would let him see it if he desired it. And being further asked whether he had any written entry, made at the time of the receipt of the $1,000 of Porter, showing that it was received for the heirs of Doctor Jackson, he says: "I keep no book of accounts. I made a memorandum of it on a loose piece of paper, and I presume I can find it, if I have not handed it over to Mrs. Jackson."

At this point the committee suspended further examination, and directed the witness to produce by the next morning all original entries, papers, or documents, relating to the above transaction. The next morning the witness again appeared, and produced a paper which he said was a true copy of an original paper in possession of Mrs. Jackson, which the committee refused to receive as a compliance with their order, and directed the witness to produce the original. He left the room, and in a short time returned with a paper, which he said was the original; but, on further examination, admitted that he had made it out the evening before, after the order of the committee was put into his hands. Your committee could place but little confidence in a paper which made its appearance under such circumstances; they nevertheless noted its contents, and continued their examination of the witness, with the paper as a subject of reference. (See Doc. 96, Ans. 26.)

From that he stated, that in 1831 he had in his hands, of the money of Doctor Jackson, $4,668 30; that in 1832 he had in his hands cash, which had been paid him by Doctor and Mrs. Jackson, $5,280 30; and that he had notes belonging to the estate of Doctor Jackson, to the amount of $2,111 70, on which he had received about $300. The notes were not endorsed to him, but were in the name of Doctor Jackson. According to this statement, the utmost amount of money which he had of Doctor Jackson in his hands was $5,580 30; and of this he has $8,000—being $2,479 70 more than the whole sum—at once invested in the hands of Mr. Porter, in a species of venture in which no guardian would be at all justifiable in placing the funds of his ward.

But it is believed that the name of Dr. Jackson and the heirs of Dr. Jackson were but a cover for those transactions, intended to avoid public scrutiny, and evade the provisions of the law which prohibits any clerk in any post office from having an interest in any mail contract. The character of this transaction will be duly appreciated by the Senate. (See Doc. No. 133.)

O. B. Brown's deposite in the Bank of Maryland.

It appears, also, by the testimony of John B. Morris, (see document No. 128,) that, on the 3d day of May, 1833, O. B. Brown deposited in the Bank of Maryland, at Baltimore, the sum of $2,000, and took a certificate for the same, bearing interest at the rate of 5 per cent. per annum. In the month of March, 1834, this bank failed, and in the month of September following, when the value of the deposite had sunk to 33 per cent. of its nominal amount, the certificate was transferred to the account of the General Post Office in that bank, by authority of a letter of Mr. Brown, in which he says it is done by the order of the Postmaster General. It does not appear that any loss has thereby been sustained by the Department; but Mr. Brown has been permitted to take advantage of his official station, and thus secure the full payment of his own claim, to the injury of the other creditors of the bank.

It will also be recollected that Mr. Brown received from Reeside and Slaymaker, on the 10th January, 1833, the sum of $3,000, which is said to be a loan at an interest of six per cent., but for which no note or memorandum in writing of any kind was taken. Only $1,000 of this sum is pretended to have been repaid; and the whole amount was raised by Reeside and Slaymaker, on drafts; and, in order to keep up the loan, they continued to draw and redraw, in the manner stated below, in the deposition of G. E. Dyson:

"In answer to the interrogatories propounded to me by the honorable the Committee of the Senate of the United States on the affairs of the Post Office Department, I have the honor to state that in the month of February, 1833, I received from the cashier of the Western Bank of Philadelphia the two following-described drafts, for collection and credit of that institution, viz:

"S. R. Slaymaker's draft on O. B. Brown, favor of James Reeside, dated 10th January, 1833, payable at 90 days after date, for fifteen hundred dollars.

"S. R. Slaymaker's draft on O. B. Brown, favor of James Reeside, dated 10th January, 1833, payable at ninety days after date, for fifteen hundred dollars.

"The above drafts became due on the 10th—13th of April, and were paid on the 17th day of April, by proceeds of a draft drawn by James Reeside on O. B. Brown, dated the 13th day of said month, payable at ninety days after date, discounted by the Patriotic Bank of Washington, the discount having been paid by James Reeside.

"About the 18th of July of the same year, the Patriotic Bank discounted the two following-described drafts, out of the proceeds of which the before-mentioned drafts of James Reeside on O. B. Brown for three thousand dollars were paid.

"S. R. Slaymaker's draft on James Reeside, at ninety days, from the 13th July, 1833, for two thousand dollars, and by me sent to the Bank of Maryland for collection and credit.

"Also, O. B. Brown's draft, at ninety days, from 13th July, 1833, on James Reeside, favor of S. R. Slaymaker, for two thousand dollars, sent to the Bank of Maryland in like manner as the preceding one.

"G. E. DYSON."

It would be singular if Reeside and Slaymaker should have raised this sum of money on bills of exchange, by drawing and redrawing, in order to lend it out at legal interest to Mr. Brown, unless they hoped to avail themselves of his good will and of his official station for their own indemnity; and especially, that they should take no note or written memorandum of so large a transaction, nor make any entry of it in the books of either. It would seem equally extraordinary that Brown should permit a loan of $2,000 at five per cent. to be outstanding against him, while he had a deposite of a like sum in the Bank of Maryland, at an interest of five per cent. The advance of $8,000 to Porter, if it were as is pretended a loan, would be equally extraordinary under the circumstances. It is pretended that it was the money of the heirs of Dr. Jackson; but if it were, and your committee do not at all rely upon the statement that it was so, there was, according to the statement of Brown, $3,000 of his own money advanced by him for these heirs, in an investment in his own name, and for which he took the profits, so far as moneys were paid for them; and, lastly, the notes of Porter for the original sum. He made no note or memorandum at the time, showing that any part of the original sum or the profits were the property of any person except himself. But now, when his official conduct is implicated, he attempts by new entries, which he calls "original," to cast off the just censure from his own acts by professing to act, not in his own right, but in behalf of others. If in fact he had in his hands the money of the heirs of Dr. Jackson, he has always been, and still is, liable to them for the original amount of that money and the interest; and these investments and these ventures are his own, and they involve his own personal and official responsibility.

Under these circumstances it was that Reeside and Slaymaker raised by bills of exchange and advanced to Mr. Brown the sum of $3,000. The Senate, with a full view of the matter, recollecting at the same time the very large and extraordinary extra allowances made to these two individuals on their mail contracts, will not be at a loss to fix a just and proper estimate upon these transactions.

In examining the account of James Reeside, your committee found to his credit the following:

"1833, April 30. Cash deposited in the Western Bank, Philadelphia, $20,000." (See Doc. No. 1.)

Your committee, while in Philadelphia, examined the books of the Western Bank, and obtained a statement of its transactions with the Post Office Department, (see Doc. No. 129,) by which it appears that this sum was raised by Reeside on a draft drawn by himself in favor of R. C. Stockton, and accepted by O. B. Brown, chief clerk, dated the 29th day of April, 1834, and payable three months after date, which draft was paid by the Department at maturity; so that, as the transaction stood at the time the account of Reeside was made out and presented to the committee, he was entitled to no credit arising from this transaction. If a credit were entered on the books at the time the draft was negotiated, then, when the draft was paid by the Department, there should have been a charge of an equal sum against Reeside to balance it. This was not done, and this sum stood as a credit to Reeside, and it helped to reduce a balance of $54,369 07, which, notwithstanding his large extra allowances, stood against him on the books of the Department on the 1st of April, 1834. Your committee called upon Obadiah B. Brown to explain this transaction, and he stated that the draft on which Reeside raised this money had not become due until some time in November, and that since that time there had been no settlement with the bank, so that the credit could, in the ordinary course of things, be entered. A member of your committee then, in the hearing of the witness, asked for the statement of the cashier of the Western Bank of Philadelphia, and the paper not being in the committee room, it was sent for, and the witness was dismissed until it should be brought in. After a short time the witness returned, stated that he had been mistaken, that the charge against Mr. Reeside was omitted by mistake, and also by mistake entered against R. C. Stockton; but that he had promptly corrected the entry on the books, and that it was now all right. Your committee directed the witness to bring in the books in which he had made the correction; he did so, and showed no less than seven erasures and changes of entry which he had caused to be made in the books in the short time that your committee had respited him from examination. The credit which is due to books thus kept, and thus altered to suit the exigencies of the occasion, can be readily appreciated by the Senate. (See documents Nos. 130 and 131.)

One circumstance attending the above case may serve to show the difficulty of arriving at these transactions of the Department with its confidential agents: Your committee, in the course of the investigation during the last session of Congress, were informed that money had been raised for the use of the Department upon the credit of some of the principal contractors; and, on the examination of James Reeside, they inquired of him whether he had "at any time or times drawn a draft or drafts for the purpose of raising money for the Department." In answer to this inquiry, he says: "I did in two instances. About two years ago, in consequence of a letter received from the Department, stating in substance that they were in want of money at this city or Philadelphia, I drew a draft for six thousand dollars, which was negotiated at the Western Bank of Philadelphia. The draft was drawn on the Department at a short date, and paid at maturity. The other case was some time last winter. I arranged ten thousand dollars through Mr. Bates, the assistant postmaster at New York, by drawing drafts upon the Department at the request of the Department. I presume they have been paid, as I have heard nothing from them since." But he says nothing of this draft of twenty thousand dollars. His deposition was taken on the 21st of May, 1834, and this money was raised for the Department on the 30th of April previous.

Another credit of Reeside attracted the attention of the committee. It is entered under date of October 11, 1833, and is as follows: (See Doc. No. 1.)

"Cash deposited in Western Bank, at Philadelphia, $6,000." And your committee found, by the statement furnished them by this bank, that this sum was also raised on a draft drawn by Reeside, and accepted by C. K. Gardner, assistant Postmaster General, and paid at maturity by the Department. Your committee, not finding any corresponding charge to Reeside on the books, called before them C. K. Gardner, assistant Postmastor General, and pointed out to him this credit, and asked him for a corresponding charge and an explanation of the transaction. His statement in reply to this inquiry shows a state of things and a course of business existing in this office, of which, until recently, we have had no knowledge. His evidence on that point is as follows: (See Doc. No. 132.)

"I think I can explain it. Mr. Suter wrote to Mr. Reeside to make his draft and deposite the amount of $6,000, to the credit of the Department, in the Western Bank of Philadelphia, to enable the Department to meet its checks drawn and to be drawn on that bank. This mode of raising the money, or supplying the deficiency of the Department, was suggested by the Postmaster General, and some discussion was had on the subject, but we concluded to avoid that mode of supplying the Department in future, apprehending the impropriety of being dependent on the credit of contractors to supply the wants of the Department; and we avoided it until the deficiencies of the Department in December, 1832, rendered it necessary to make the first loan of the Manhattan Company for $50,000.

Question 2d. "Was that draft of $6,000 accepted by the Department, and paid by the Department at its maturity?"

Answer. "It was; and paid at maturity."

Question 5th. "We find, in the account of James Reeside, a charge against him of 12th January, 1833, 'Cash, Bank U. S., Baltimore, $6,000.' Is that the same sum of $6,000 which you find in the cash-book and leger, as stated in your above deposition?"

Answer. "The payment was $6,100, as appears by the following check:

"No. 4161. Post Office Department,
Washington, Jan. 12, 1833.

"Bank of the United States, office at Baltimore, pay G. E. Dyson, cashier, or order, six thousand one hundred dollars.

"$6,100. Registered.
C. K. GARDNER,
Assistant Postmaster General.

O. B. Brown, *Chief Clerk.*

Endorsed by Geo. E. Dyson to R. Wilson, Esq., cashier, or order, and signed
R. WILSON, *Cashier.*"

"The requisition on which the check was given, as above, is in the following words:

Post Office Department,
Pay Office, Jan. 12, 1833.

I certify that a check is required for $6,100, to pay the following draft, viz:

Drawer's name.	Date.	In whose favor.	Amount.
W. Y. Wetzel.	Sept. 19, 1832.	W. P. Hunt.	$100 00
James Reeside.	Nov. 19, 1832.	To order.	6,000 00
			$6,100 00

Favor of G. E. Dyson, *Cashier.*
4161.

On account of pay for transporting the mail to January, 1833.
JOHN SUTER,
Principal Pay Clerk.

Approved: C. K. GARDNER,
Assistant Postmaster General.

Endorsed, No. 4161. Transportation."

"The Patriotic Bank held the two drafts on the Department, as appears by the certificate. One of $100, to be charged to the account of Wetzel, and the other of $6,000, to be charged to Reeside. One check was given to cover both sums.

"The certificate, as above, was made on the principle that Reeside had refunded, on the 19th November, 1832, so much money due him for the transportation of the mail; and consequently the same sum of money remained due to him for the transportation of the mail (which was paid on the 12th January, 1833, to wit: $6,000) of pay for the preceding quarter, just expired, which frequently and habitually occurs in the accounts of the large contractors, who are not often entirely paid up, and whose accounts are not finally adjusted till the last quarter of their contracts. The terms of the draft of Mr. Reeside required that the sum drawn for should be charged in his account for 'transportation.' The introduction, however, of these items into the general account of expenditures was a further objection to the mode of relieving the Department."

Thus, when these acceptances are made, they are credited to the contractor as so much money paid by him to the use of the Department, though he, in fact, pays nothing, but merely lends his name as a drawer or endorser. The same sum is charged to the banks as so much deposited to the credit of the Department, and the draft is at last taken up by a check, which is certified to be for transportation by the three officers who, according to the improved system of checks on disbursements adopted by Mr. Barry, are required to certify every check which issues from the Department. But by examining these debits and credits, and certificates for transportation, no accountant, however skilful, could ascertain that such expedients had been resorted to, or that money had been raised in that manner. These certificates, upon whatever grounds they may be supported, are contrary to the plain fact of the case.

There are many other matters, within the scope of the present inquiry, which have been pressed upon the attention of your committee. Some of these have been partly considered, others remain untouched; but your committee hope to examine and present to the Senate those which they deem of the most importance within the present session.

So numerous and so great are the abuses which have grown up in this Department, that reform has become absolutely necessary; but the measures by which it is to be effected are by no means free from embarrassment. They are the more difficult, as many of the evils which require a remedy do not arise from defects in the existing law, but from a habitual disregard of plain legal provisions. They may, however, be principally traced to the absolute and unchecked power which a single individual holds over the resources and disbursements, and all the vast machinery of this Department. The checks of various inferior officers upon each other are of no value, when all are guided and controlled in their acts by one dominant will. Within the comparatively short period of fifty-five years that Department has arisen, from a feeble beginning, until it has acquired a revenue equal to that of the Union itself at the time of its organization; and its extensive and diversified operations, its patronage, its resources, and its power, must, by the mere force of circumstances, go on increasing indefinitely with the increase of our country in population, business, and wealth. The annual reports by the Postmaster General are of little value, as a restraint upon the head of the Department, or as a means of calling public attention to his official conduct. These reports may be true, and yet the state of affairs which they indicate cannot be understood without that careful examination which few or none will feel willing to give them, amidst the other arduous duties of legislation; or those statements may be false and delusive, and yet few will be disposed to bestow on them the labor, bodily and mental, which would be necessary for their correction, and to encounter the bitterness of party rancor, and the reckless violence of party calumny, which those must encounter who venture to explore the secret mysteries of great patronage and high power, and to expose their enormities to the public gaze. From reflecting on these and other causes, leading to the same result, your committee incline to the opinion that there will be few instances, in the future history of our country, of a full and searching investigation into the conduct and management of the Post Office Department. They deem it, therefore, their duty at this time to propose such measures of legislation as will, in their opinion, the most effectually prevent the recurrence in future of abuses similar to those which the present investigation has disclosed. This they conceive can be best effected by a change in the organization of the Department, so as to place the collection and the disbursement of its funds in different hands, and under the control of officers entirely independent of each other. That Department, as at present arranged, is a dangerous anomaly in our system; and, by whomsoever its concerns are hereafter to be conducted, its organization ought to be changed so as to conform more nearly to that of the other great Departments of our Government. The accountability of its officers ought also to be rendered more effective, and their discretion limited as far as is consistent with the efficient performance of the public service. To effect these several objects your committee report a bill.

REPORT OF THE MINORITY.

In Senate of the United States, *January* 27, 1835.

Views of the Minority of the Committee on the Post Office and Post Roads on the condition and proceedings of the General Post Office: submitted by Mr. Grundy.

It has again become the duty of the undersigned to present their views of the several subjects which, under the resolution of the Senate of the last session, have been investigated by the Post Office Committee. In discharging this duty, a minute examination of all the matters embraced in the range of inquiries instituted by the committee will be unnecessary, as the whole of the evidence taken by them will be laid before the Senate, from which each Senator will be enabled to draw his own conclusions and form his own opinions.

The first and leading subject to which the committee directed its attention was the financial condition of the Department. At the last session of Congress a great difference of opinion existed between the majority and minority of the committee in relation to this branch of the subject; the former supposing that on the 1st day of April last the deficit in its means to meet its engagements amounted to $832,567, except old balances prior to the 1st of October, 1833; the latter, that it only amounted to the sum of $292,109 48. These several opinions were founded on estimates furnished by the Department. The committee, in September last, came to the determination of ascertaining the true condition of the pecuniary concerns of the Department on that day by actual calculation, and, for that purpose, called to their aid two skilful accountants, (Mr. Pishey Thompson, of Washington city, and Mr. George S. Hough, of Alexandria.) They have both been most assiduously engaged in that service from that time to the present, but have not as yet been able to present their report to the committee. The undersigned will therefore refrain, for the present, from saying any thing or expressing any opinion as to the probable result of their labors. The committee also called upon the Department for a statement of its financial condition, with which they have been furnished. From this statement it appears that a full list of balances has been made out from the books of the Department, as the accounts stood on the 1st day of April, 1834, exclusive of the transactions under that date. The list of balances includes all balances due to the Department on account of postages which accrued prior to the 1st of January, 1834; but it does not include any part of the postages which accrued during the quarter which ended the 31st of March, 1834, because those sums are not charged to the respective postmasters under a date prior to the 1st of April, 1834. It includes all balances due to contractors for services performed prior to January, 1834, so far as the same had been entered to the credit of the contractors; but it does not include the sums due to contractors for any part of the services rendered during the quarter which ended on the 31st of March, 1834, because the allowances for those services were not entered to the credit of the contractors under a date prior to the 1st of April, 1834. It does not include any of the sums which had been carried to the account of bad debts, suspense, or profit and loss; because when accounts of individuals are closed by either of these items, they no longer exhibit the balances. But the list of balances includes all payments made to contractors prior to the 1st of April, 1834, whether for services rendered prior to the 1st of January, or for services of the quarter current from the 1st of January to the 31st of March, 1834. It includes all payments made by postmasters prior to the 1st of April, 1834, whether for postages which accrued prior to the 1st of January, or for postages accruing during the quarter current from the 1st of January to the 31st of March, 1834. It includes all payments made for interest, incidental expenses, or for any other purposes, prior to the 1st of January, 1834, so as to exhibit the exact statement of the balances of the accounts, as they appeared in the books of the Department, to that day.

From this list of balances, it appears that the following sums were due to the Department on the 1st of April, 1834, viz:

From former postmasters who had gone out of office before the 1st of January, 1833, - -	$147,732 02
From postmasters still in office, or who had not gone out of office before the 1st of January, 1833, for postages which had accrued prior to January 1, 1834, -	248,029 11
From former contractors, agents, and on miscellaneous accounts, whose contracts had expired, or whose accounts had ceased to be current before the 1st of January, 1833, - - - -	33,178 38
Balances against contractors for payments made to them prior to April 1, 1834, for the current services of the quarter which ended on that day, and for former services which had not been placed to their credit, amounting to - - - - -	284,897 38
Making, together, when added, the amount of balances due to the Department, as appeared on the books on the 1st of April, 1834, the sum of - -	$713,836 89
To this sum add the nett amount of postage which accrued from the 1st of January to the 31st of March, 1834, not included in the list of balances, - -	496,667 21
And the total amount of balances due to the Department on the 1st day of April, 1834, was - - - -	$1,210,514 10

The same list of balances shows that the following sums were due by the Department on the 1st of April, 1384, viz:

To former postmasters who had gone out of office prior to the 1st of January, 1833, balances amounting to	$7,020 50
To former contractors, agents, and miscellaneous accounts, whose contracts had expired, or whose accounts had ceased to be current, from the 1st of January, 1833, - - - - - -	3,470 53
To postmasters still in office, or who were in office on 1st of January, 1833, principally for payments made on account of current postages during the quarter ending the 1st April, 1834, - - -	118,489 50
To contractors whose contracts were still running, or had not expired prior to January 1, 1833, for services prior to 1st January, 1834, - - - -	223,484 95
Making, together, the amount of balances due from the Department, as appears from the list of balances, on the 1st day of April, 1834, - - - -	$352,465 48
To this amount add the following sums, which are not included in the list of balances, viz:	
Amount due for transportation on the 1st of April, 1834, which has not yet been credited to contractors, - -	49,487 80

The expense for transporting the mail from January 1st to April 1st, 1834, amounted to		454,514 22
Balance due to banks on the 1st of April, 1834, above the amount of deposites to the credit of the Department on that day, including all loans,		451,599 48
Making the aggregate of all debts due from the Department on the 1st April, 1834, amount to		1,308,066 98
From this sum deduct the amount of debt due to the Department on that day,		1,210,514 10
And the balance against the Department on that day, was		$97,552 88
The Postmaster General reported as unavailable in 1828,	$284,289 00	
In 1829, the further sum of	22,235 00	
Also, in 1829, counterfeit notes and notes of broken banks,	4,306 00	
	$310,830 00	
Of what had been estimated unavailable, there had been charged to profit and loss, suspense, and bad debts,	123,500 96	
Leaving an account of balances, of what had been reported unavailable,		187,329 04
Which, added to the above, shows the whole debt of the Department, on the 1st of April, 1834, beyond its available means, to have been		$284,881 92

This is $7,227 56 less than appeared from the estimates assumed by the minority of the committee in the former report, and not so much as the estimated amount of the majority of the committee, by $517,562 08, except old balances prior to the 1st of October, 1833.

The whole amount of unavailable funds was estimated on the 1st of July, 1829, to be	$310,830 00
If, from this amount, we substract the amount carried to accounts of profit and loss, suspense, and bad debts,	123,500 96
It will leave, of the balances on the books arising from transactions prior to July 1, 1829, an amount estimated unavailable of	$187,329 04

But the whole amount of balances on the books remaining due, arising from transactions prior to January 1st, 1833, (which is three years and a half after,) is only $180,910 40.

So that if every debt due prior to Janunry 1st, 1833, should be lost, still the loss will not amount to as much as was estimated to have been lost three years and a half before that date, by $6,418 64.

The interest paid prior to April 1st, 1834, is included in the account of balances. From the 1st of April to the 1st of July, 1834, no interest is included, because it is stated that interest has been collected by the Department at sundry times, and not brought into the accounts, more than sufficient to cover it; but if we add, for the interest which accrued during that quarter, the sum of $6,000, the deficit will have been, on the 1st day of July, 1834, $264,211 36. This is a little less than the sum reported by the Postmaster General to the President in his report of November last, which difference is testified by the chief clerk to have arisen from the circumstance that the report was made to the President from the general statement, as it is made quarterly on the books of the Department, and this is made from a list of balances drawn out in detail; and for many years before the present Postmaster General came into office there appeared a small discrepance between the general statement and the list of balances taken from time to time, which has never been reconciled.

After receiving the financial report above referred to from the Department, the committee instituted a strict inquiry into the correctness of the item of $123,500 96, which was reported to have been transferred to the accounts of bad debts, profit and loss, and suspense, and did not appear on the list of balances of accounts due to the Department. From a statement (see Doc. 4) of the items which have been furnished to the committee, it appears that there has been charged to the account of bad debts the sum of $77,662 26; to the account of profit and loss $21,554 48; and to the account of suspense the sum of $25,036 69; making an aggregate of $124,253 43, which is $752 04 more than the sum reported in the financial report made to the committee, which difference is accounted for by the circumstance that the books have been posted up since the time when the statement of the item of $123,500 96 was made out.

Various allegations have been made in relation to paper and twine furnished by contractors for the use of the Department. The committee have deemed it to be their duty to investigate the subject; and, in order to facilitate their inquiries, and to obtain a speedy and correct knowledge and understanding of the facts, they repaired to Providence, Rhode Island, and to Boston and Lowell, Massachusetts, at which places it was believed that satisfactory testimony could be procured, showing whether any malpractices had obtained in relation to these articles. The inquiries of the committee were extended retrospectively as far as the 2d of February, 1820, at which time a contract was made by Mr. Meigs, then Postmaster General, with Thomas Rowe, for the supply of the articles in question. By that contract the following prices were stipulated and allowed:

For printing blank accounts for mails received, mails received for distribution, and mails sent	$4 00	per ream.
For ruling same with faint lines	4 00	do
For printing post bills	1 50	do
For printing accounts current	4 00	do
For paper, royal, for mails received and received for distribution	9 00	do
For super-royal for mails sent	12 00	do
For foolscap, No. 1, for accounts current	5 00	do
For foolscap, No. 2, for post bills	3 75	do
For wrapping paper, super-royal	7 00	do

For twine to make up the packages, and the trouble of sending off the blanks, the sum of $200 per annum was allowed; and there was allowed for wrapping paper and twine used in putting up the packages the sum of $50 per quarter, making $200 per annum. This last allowance continued to be made as long as Mr. Rowe continued to be contractor. On the 10th of June, 1826, he assigned his contract to Messrs. True and Greene, from which time, or shortly afterwards, the allowance was discontinued.

On the 1st of March, 1828, a contract was made by Mr. McLean, the then Postmaster General, with Simeon Ide, of Windsor, Vermont, which superseded that which had been made with Thomas Rowe in 1820, and assigned, as before remarked, to Messrs. True and Greene in 1826. The contract with Mr. Ide was at the following rates and prices:

For post bills without signature	$3 75	per ream.
For post bills with signature	4 00	do
For accounts current	4 25	do
For accounts of mails received and sent for distribution, on paper 23 by 18½ inches	8 50	do
For accounts of mails received and mails sent, on paper 23 by 18½ inches	7 60	do

All the accounts of mails to be ruled with faint lines, and all other blanks, when required, to be furnished on proportionable terms. Wrapping paper of super-royal size at four dollars per ream; twine at thirty-six cents per pound weight; and an extra allowance to be paid by the Postmaster General to Ide, at the rate of one hundred dollars per annum, for making up and packing the above-mentioned blanks, &c. The whole to be done in a workmanlike manner; and the paper and twine to be of the qualities specified in Ide's proposals.

The prices for wrapping paper and twine, as specified in Mr. Ide's contract, are lower than those which had previously been, or those which were subsequently given by the Department. Mr. Ide, however, failed in the faithful performance and fulfilment of his contract, more to the detriment of the Department than was likely to have been saved by the difference of prices. It appears from the testimony of Calvin Young, William Parker, and Nathaniel Melcher, that the wrapping paper furnished by Mr. Ide was of very inferior quality, and not as valuable by any means as that previously furnished by Messrs. True and Greene, or by Charles Greene, the present contractor, by fifteen or twenty per cent. And further, that most of the twine furnished by Mr. Ide was unfit for post of- fice use, and cost but little more than half the price of that which is furnished by the present contractor. (See Documents No. 39 to 52, inclusive.)

The prices paid to the present contractor were fixed and stipulated by the Department on the 21st of January, 1830, at the following rates:

For paper for post bills	$3 00	per ream.
For accounts of mails sent and received	7 00	do
For accounts current	5 00	do
For stoutest and strongest wrapping paper	5 00	do
For printing post bills	1 50	do
For printing account of mails sent and received	4 00	do
For printing accounts current	2 50	do
For ruling in faint blue lines	2 00	do

From the foregoing statement of facts, it appears evident that the contract made by the present Postmaster General with Mr. Greene was as favorable to the Department as could have been reasonably expected. The only further question presenting itself for the inquiry of the committee on this branch of the subject of their investigations is, whether the present contractor has performed his agreement,and fulfilled his contract with fidelity? Upon this point, and especially in reference to the wrapping paper, of the quality of which some complaint has been made, the committee examined a great number of witnesses, and from the whole of their testimony, when taken together, it is made evident that the present contractor has faithfully and punctually complied with the stipulations of his contract. The proof by which this is established and made manifest is to be found in the depositions of Andrew Emerson, who manufactured a large portion of the wrapping paper furnished by Mr. Greene; of William Parker, who supplied a part of it; of Charles Newell, who has acted, since the 1st of January, 1834, as clerk for the contractor, in distributing the paper; and of S. P. Haywood and Nathaniel Melcher. These witnesses prove that the wrapping paper purchased and furnished by the present contractor has always been of good quality, and equal to any furnished by his predecessors, with the single exception of one parcel, a part of which had been distributed before any defect had been discovered in its quality or condition, and that as soon as it was ascertained to have been defective, the remainder of the parcel, which had not been distributed, was returned and thrown upon the hands of the manufacturer. It also appears in the testimony, that the defects in that parcel of paper was not obvious or discoverable from its appearance, and was discoverable only in its use. The vigilance evinced by the Department in promptly inquiring into the subject, upon the first intimation that inferior paper had been sent to some of the post offices, reflects much credit upon its watchfulness and circumspection.

Inasmuch as the public mind seemed to be impressed with an idea that the postmaster at Boston was the person really interested in the foregoing contract, and that Mr. Charles G. Greene was only the nominal contractor, the subject was made a matter of strict scrutiny on the part of the committee, which has resulted in clear and satisfactory proof that Nathaniel Greene, the postmaster at Boston, has had no interest whatever in the contract for paper and twine with the Department since his appointment to that office. This is proved by the testimony of Benjamin True, Charles G. Greene, Thomas H. Grenville, and Nathaniel Greene.

The only witness whose testimony intimates any fact implicating Nathaniel Greene as a partner in the contract is John B. Derby, who states some remarks of Charles G. Greene, made, as he says, a short time prior to the 1st of March, 1831, showing that Nathaniel Greene was at that time interested in it. Mr. Derby may have mistaken the remarks and words, as well as the subject-matter and precise bearing of the language of Mr. C. G. Greene, which referred to something of his former situation, when in the employment of True & Greene, by supposing them applicable to the time of the conversation, or he may have been mistaken in the time when the conversation took place. Either of these suppositions is more favorable to Mr. Derby than to place his testimony in direct conflict with so many highly respectable witnesses, who have an intimate and personal knowledge of all the facts, and in the statement of which they all concur, and rendering the matter as clear as evidence can make it, that Nathaniel Greene has had no interest whatever, either in the contract with the Department, or in the newspaper edited by Charles G. Greene, since he accepted the appointment of postmaster at Boston. It is true that Nathaniel Greene had an interest in a paper mill for a short time, at which a portion of the paper procured by the contractor at Boston was manufactured: but it is clearly proved that, during the continuance of his interest, (which ceased some time since,) more than ordinary care and pains were bestowed in the manufacture and quality of the paper furnished; and that, with the exception of the parcel before mentioned, the paper was of better quality than the paper furnished from the same mill prior to that time.

Mr. Emerson, the manufacturer, states that both Nathaniel Greene and Charles G. Greene were exact and particular as to the quality of the paper furnished to the Post Office Department. Calvin Young, who had a full opportunity of judging of the qualities of the articles furnished by the contractors, states that the articles furnished by True & Greene, and by Charles G. Greene, were superior to any articles of the same kind which had been previously furnished by former contractors; that articles of this superior quality continued to be furnished up to the time of taking his deposition, and that the difference in quality was so obvious as to amount to twenty per cent. in favor of the articles furnished by

True & Greene, and by Charles G. Greene, over those previously furnished by Mr. Ide.

William Parker and John Edwards prove that all the twine furnished by the present contractor, Charles G. Greene, was of good quality, and greatly superior to that furnished by Mr. Ide; that it was well suited to post office uses; that most of it was manufactured by John Edwards, in the neighborhood of Boston; that the price of the article has varied from thirty to forty cents per pound; and that the last sales by the manufacturer were at thirty-three and a third cents per pound. The same witnesses also prove that the paper and twine procured by Horatio Hill and Cyrus Barton, of Concord, New Hampshire, who are also contractors for furnishing the Department with the same articles, upon the same terms upon which they were furnished by Mr. Charles G. Greene, were of good quality, and well suited to the purposes for which they were intended.

The prices now allowed by the Department are, five dollars per ream for wrapping paper, and forty-five cents per pound for twine. The average price paid by the contractors for these articles is, three dollars and fifty cents per ream for wrapping paper, and thirty-three and a third cents per pound for twine. After making a reasonable allowance for profit, it would seem to us that each might be furnished at this time at a lower rate. The expense and trouble, however, are greater than such as usually attend most other branches of business involving the same amount of value. In the deposition of Nathaniel Greene is contained the following statement, in answer to an interrogatory upon the subject in question: "The contractor has to keep a ware room, and clerk to attend to the distribution. The printed blanks take a good deal of room. At other places than Boston he has to employ an agent, to whom he allows, by special agreement, ten per cent. for his trouble. He has to pay cost of freight, premium of ensurance, and incidental expenses, such as drayage, wrappings, twine, and putting up, &c."

Wyman's Case.

The committee have also investigated the conduct of the postmaster at Lowell, Massachusetts. It appeared to the committee in proof that he is not the proprietor of the newspaper called the "Lowell Mercury," published at that place; but that after he became postmaster he performed the duties and services of editor of the said paper without compensation, and permitted the publishers to take the wrappers which had been torn off packages received at his office to be used as wrappers for the newspaper. We know of no law or regulation of the Post Office Department which requires a postmaster to regard such wrappers in any other light than as waste paper, when taken from packages received at his office; and whether he burns them, sweeps them into the streets, or however else he may choose to dispose of them, is of no consequence to the public. The only point in which the postmaster seems to have erred was, in not taking sufficient care of the letters received at his office enveloped in the wrappers in question, by reason of which negligence, in a few instances, letters, and in one instance a package of letters, were left among the envelopes, and with them were taken to the printing office, but were, in every instance, as soon as the oversight was discovered, returned safely to the post office.

Herron's Case.

In September last, shortly after the committee convened in this city, a resolution was adopted, calling on the Postmaster General for the inspection of all the original letters and papers in his office, concerning the removal of a postmaster at Putnam, Ohio, and the appointment of another in his place. From this resolution the only one of us then present dissented. The Postmaster General declined a compliance with the resolution, and gave his reasons at length in a communication to the committee. A discussion of the question involved is deemed unnecessary at this time. The right of the Senate to inquire into the causes which have induced the executive department of the Government to remove an individual from office is believed to have been fully decided by the Senate on the 21st of April, 1830, on which day, as appears from the journals, the Senate, by a vote of twenty-four to twenty-one, postponed indefinitely resolutions proposing a call on the Executive for the reasons of removals from office. On the 15th of February, 1831, the following proceedings appear on the Senate's journal: "The Senate resumed the consideration of the motion submitted on the 3d instant, as modified, declaring that the select committee appointed to inquire into the condition of the Post Office Department are not authorized to make inquiry into the reasons which induced the Postmaster General to make any removals of his deputies." This resolution was adopted by a vote of twenty-four to twenty-one. The powers of that committee appear to have been the same as those possessed by the present committee; and until that decision of the Senate shall be changed by a vote of the same body, no reason can be perceived why the present committee should deem themselves authorized to make the inquiry proposed in relation to the postmaster at Putnam, even if the Senate, under the constitution, possessed the power to institute such an inquiry.

At Lowell, Massachusetts, where only two members of the committee attended, an interrogatory was proposed to a witness, tending to produce a similar investigation. This was objected to, and since that time no testimony touching removals from office has been introduced.

O. B. Brown's pecuniary transactions with Edwin Porter.

It appears from the testimony of Edwin Porter, (see Doc. 127,) that, in January, 1832, he proposed to Mr. O. B. Brown to take an interest in the contract for carrying the mail between Mobile and New Orleans. Mr. Brown said he thought he would be interested in the contract, and did advance to Mr. Porter $3,500 in money, which he stated belonged to Dr. Jackson, his stepson; and that when this advance was made, the election was reserved to Mr. Brown to determine thereafter whether the money so advanced should secure an interest in the contract to that amount, or should be regarded as a loan to Porter on interest. In the summer of 1833, Mr. Brown stated that he should regard the transaction in no other light than as a loan on interest, from the time the money had been advanced; and Mr. Porter thereupon gave his note to Mr. Brown for the three thousand five hundred dollars, dated back to the time when the money was so advanced. It also appears by Mr. Porter's testimony, that, in January, 1833, when he was about to purchase an interest, to the amount of 9,000 dollars, in the contract of R. C. Stockton, from Fredericksburg to the Natural bridge, Virginia, he obtained from Mr. Brown 4,500 dollars, which Brown stated at the time belonged to the estate of Doctor Jackson, for which he was to have an interest to that amount in that contract; that in the summer of 1833, Mr. Brown also declined taking any interest in this contract, and received of Mr. Porter (the witness) one thousand dollars for declining the interest in the line, and for one year's interest of the money advanced by him, and took Porter's note for 4,500 dollars, dated one year after the advance of the money, and to draw interest from its date. It appears from the testimony of Mr. Brown, (see Doc. 96,) in relation to these two transactions, that when he advanced to Mr. Porter the

3,500 dollars, Doctor Jackson, then living, had lately visited Mr. Brown, and had left in his hands between four and five thousand dollars, to be safely vested where it should draw interest; that he let Mr. Porter have the money, with a reserved right to regard it as an interest in the contract or as a loan on interest, with a view of that election being made by Doctor Jackson, for whose benefit alone the money was advanced to Mr. Porter, and on whose decision the matter would be determined. That Doctor Jackson soon thereafter died, without having had the opportunity to make the election; but left a dying request that Mr. Brown would act the part of a guardian for his children, which he (Mr. Brown) has ever since done in fact, though not in form, not having been legally appointed for that purpose. That when he made the other advance of $4,500 to Mr. Porter, he intended it on no other account than for the benefit of Doctor Jackson's heirs; and reserved for future consideration whether it should be an investment in the contract from Fredericksburg to the Natural bridge or on interest, in either case for the sole benefit of the heirs of the deceased; that when he had maturely considered the subject, he came to the conclusion that it would be inexpedient for him, though for the benefit of the heirs, to hold any share in property employed in performing mail contracts; and therefore declined at a time when he believed these routes were profitable, yielding about fifty per cent. on the capital invested; that the thousand dollars which he received from Mr. Porter was not received as purchase money for an interest in the contract, but in consideration of the great benefit which he (Porter) had derived from the use of the money, and was a voluntary payment on his part; and that the one thousand dollars so received was applied by him (Brown) to the benefit of Dr. Jackson's heirs, and not in any part to his own benefit.

We are not prepared to say that any actual loss has resulted to the Department from these transactions. There was, during the time, no alteration made in either of the contracts, except that an additional allowance was made for increased expedition between Fredericksburg and Charlottesville; but that was made after Mr. Brown had left the office of mail contracts, having been transferred to the pay department of the General Post Office; nor have we had any evidence that he had any agency in making the additional allowance, except certifying, on the application of the contractor, the reasons why the additional service was required. We consider all pecuniary interest in mail contracts, by persons engaged in the General Post Office, to be improper; nor is it material to consider whether the prohibitions of the law of 1825 extend to persons employed in the General Post Office; the laws of propriety forbid such acts. The true principle is, that the officer who exercises powers under a public trust, or, as in these cases, the officer whose situation gives him an influence in the exercise of the powers devolving upon a high functionary, should not place himself in a situation which might create a bias on his mind prejudicial to the public interest. This may occur where a man's family connexions are concerned, though he himself may have no personal interest whatever; and we view all such acts wholly inadmissible, and that their repetition cannot be too strictly guarded against. Mr. Brown himself appears to have come to the same conclusions, for he placed his unwillingness to hold an interest, even for the benefit of others, upon this ground.

In the account of Mr. Reeside (see Doc. 1) it was discovered that a credit was entered in his favor for twenty thousand dollars, which the committee had ascertained was on account of his draft on the Department, and accepted by it, and the money applied to its use; and no charge against Mr. Reeside for the acceptance or payment of the draft by the Department appeared in the account. The committee called before them Mr. Brown, the treasurer of the Department, and required him to explain this item of credit in Mr. Reeside's account. He stated that the money upon the draft of Mr. Reeside for twenty thousand dollars was for the benefit of the Department, and applied by it to its own use; that the draft was drawn by Mr. Reeside on the 29th of April, 1834, at six months, and was accepted by the Department, and the money raised on it; that this entitled Mr. Reeside to a credit to the amount; that until the draft was paid the charge was not made against the drawer, and that this was according to the regular mode of keeping the books; that the reason why Mr. Reeside did not appear to be charged in the account furnished to the committee by the Department was, that the account did not extend to a period of time late enough to include it; nor was the same yet entered upon the books of the Department, because the bank book including that item had been sent to the bank at Philadelphia for settlement, and had not yet been returned. Upon this statement being made, Mr. Brown retired, and the committee proceeded to the examination of another witness. After some time, and before the committee adjourned, Mr. Brown returned, and said he had made a mistake in his testimony which he wished to correct. He then stated that he had found the original draft for 20,000 dollars drawn by Reeside; that two drafts were drawn on the same day, and for the same amount each; one drawn by James Reeside, payable in three months, for 20,000 dollars, and endorsed by R. C. Stockton; the other drawn by R. C. Stockton and endorsed by James Reeside, at six months; and the first draft drawn by Mr. Reeside he produced to the committee, and stated that the clerk who had made the entry had by mistake charged Mr. Stockton instead of Mr. Reeside with the 20,000 dollars; that so soon as the error had been discovered, he (the witness) had caused the mistake to be corrected. Upon being interrogated as to the time when the correction had been made, he answered that it was since he had made the former statement to the committee. The books were then produced to the committee, and the two book-keepers examined upon the subject, who both testified that they had acted by Mr. Brown's directions in making the alterations.

We were, and still are, of opinion, that although it is the duty of the officers of the Department to correct all errors which may be discovered in any branch of its business, yet that, while a subject is under the investigation of a committee of Congress, no change or alterations in the books should be made, and that explanations, pointing out the errors, and how they should be rectified, should alone be relied on. We have no reason to believe, however, that the alteration made in this instance produced any incorrect result.

The committee then examined the books, and found that the alteration had been made, as stated by the witnesses. Witness (Brown) then produced to the committee the original memorandum made by him on the 30th of April, 1834, which contains the following statement in relation to this transaction:

"Dr. Western Bank, 1834, April 30.

Cr.	By amount of loan this day cancelled		$50,000 00
	By cost of exchange on $4,500, check on Pittsburg, at ½ per cent. - -		22 50
			$50,022 50
Dr.	R. C. Stockton, for his draft of 28th April, at three months, for this sum - - -	$20,000	
	To James Reeside, for his draft of 28th April, at six months	20,000	
		$40,000"	

And stated that it was from that memorandum that the clerk made the original entries in the books of the Department, and that the memorandum was erroneous. The production of this memorandum and the draft drawn by Mr. Reeside, with the explanations given, in our opinion, show satisfactorily that the error made in the statement of Mr. Reeside's account was unintentional.

O. B. Brown's Deposite in Bank of Maryland.

From the proof (see Doc. 128) it appears that Mr. O. B. Brown, on the 3d of May, 1833, deposited in the Bank of Maryland the sum of two thousand dollars of his own money, and received from the cashier of said bank a certificate for the same, bearing interest at the rate of five per cent. per annum; which certificate, with the interest thereon, amounting, up to the time, to $88 61, was, on the 9th of September, 1834, credited on the books of said bank to the Post Office Department, in pursuance of a letter written by Mr. O. B. Brown to the district attorney of Maryland, dated the 6th of September, 1834. At the time of this transfer, debts on said bank were worth from thirty-six to thirty-seven cents in the dollar; but the Post Office Department had previously borrowed a large sum of money from said bank, which had not been then paid.

Improved Bids and Extra Allowances.

The committee has directed its attention to the subject of the unusual number and amount of extra allowances which have been made to contractors for carrying the mail within the last few years. On this subject the impression has been made, to some extent, that these allowances have been made without equivalent services having been rendered on the part of contractors; or that the services rendered were not beneficial to the country. It is true, that some of the services required of contractors may not have been as much demanded by the interest of the community as the officers of the Department supposed; and, in other instances, the compensation may have been more than adequate to the actual services rendered. That some errors, in these respects, would occur in a business so extensive and complicated, conducted and adjusted by so great a number of agents, at so many different places, was reasonably to have been expected; and the most vigilant officer may sometimes yield too readily to the importunities and representations of those applying for mail facilities and suggested improvements. The leading error in this matter may be readily traced to a distinct cause. The Department, in many cases, did not advertise for a sufficient amount of service; therefore, when the bids were accepted, an immediate increase of service, and a corresponding increase of compensation, became absolutely necessary. Hence, the great difference which frequently appears between the accepted bids and executed contracts, and sometimes between the latter and the actual service and compensation, produced by the orders of the Department, made for improvements after the execution of the contracts. This is not stated with a view of justifying the practice which has prevailed at some of the lettings of mail contracts. Our own opinion is, that the object of the law directing the Postmaster General to advertise for proposals for mail transportation, was, that full and fair competition should thereby be produced between those who were desirous of embarking in that line of business; and it is believed, and was believed by Congress in enacting it, that the best way to effect that desirable object was to advertise for bids from all competitors, for the kind and amount of services required in each case by the interest of the public, so as to permit no bidder to calculate upon any increase of emolument beyond his bid. By this means, each bidder would only expect that he was to perform the services advertised, and his bid would be made accordingly. In this way the spirit of the law as well as its letter would be observed; and the competition contemplated by the law would extend to the whole service, and after negotiations between the Department and contractors would seldom occur. A rigid adherence to this practice would at once put a stop to all those bids denominated straw bids, and all those artful practices which have been resorted to after the biddings have terminated, by which the lowest bidders fail to take the contracts announced in their favor, and by which the Department has been, from necessity, thrown back to the acceptance of a much higher bid, made by an individual who has himself contrived, perhaps, to produce the necessity.

It may be objected to this mode of proceeding, that the transportation of the mail may fall into incompetent hands, and thereby much public injury be produced. In answer to this, it should be recollected that the Postmaster General is not bound to accept the lowest bid. If a sum wholly inadequate to the service should be offered, he would readily know that the bid had been made by an unqualified person, or that it was not made in good faith, and he would of course disregard it. He could in most cases decide with reasonable certainty, and sufficient accuracy for the furtherance of the public service, what bid would be most beneficial to the Department, taking into view the difference in the amounts of the several bids, the ability, character, and responsibility, of the bidders, together with the various other circumstances which would be most likely to ensure a punctual discharge of the duties of a contractor, and the fulfilment of the contract. We would not be understood as wishing or suggesting that it would be proper to deprive the Postmaster General of the power to change the service of contractors after the execution of the contract, and to enter into other stipulations and engagements. Our desire is to diminish the occasions for the exercise of such a power. There would in many instances be great inconvenience experienced by the public, if this discretionary power be taken away altogether. It would often be found that a change in the times of the arrivals and departures of mails would be indispensably necessary to make the proper connexions between different routes; and no precaution that could be taken before the contracts were made would be sufficient to prevent the necessity of change; and besides, in parts of the country where new settlements and villages are yearly growing up into commercial and manufacturing importance, a power should continue to be vested in the Department to increase mail facilities between the time of making and the ending of contracts, the duration of which is four years. It is further worthy of note, that the Postmaster General might err in judgment, or be deceived in his information, and thereby be induced to assign too much or too little mail accommodation to a particular line of communication. In such cases, it would seem to be highly proper that he should have power to correct such errors as may occur from these or any other cause. We can apprehend no danger as likely to arise from permitting the head of the Department to exercise such power, provided Congress shall make it his duty to report at each session the improvements and alterations made, the reasons for making them, and the several amounts paid for each, respectively.

It is due to the Department that it should be stated that, at the last two lettings of contracts, efforts were made, and with reasonable and expected success, to make all contracts for the whole service which it was supposed would become necessary, so as to obviate, as much as possible, all necessity for future changes in the stipulations between the Department and contractors.

Robinson's Case.

The contract of James F. Robinson, for carrying the mail between Cincinnati, Ohio, and Georgetown, Kentucky, has been a subject of re-examination by the committee. (See Docs. 12 to 29, inclusive.) The contract was originally made to run daily in four-horse post coaches, at $1,000 per annum. The original schedule was, to leave Cincinnati daily at 4 o'clock A. M., and arrive at Georgetown the same day by 6 o'clock P. M.; leave Georgetown daily at 5 o'clock A. M., and arrive at Cincinnati the same day by 7 o'clock P. M. On the 29th of December, 1821, before the service commenced, the contractor was directed to perform the trip each way in twelve hours. Before the former reports of the committee, the Postmaster General had stated in his report to the Senate that, to connect other important routes, it became necessary that a great part of this service should be performed in the night instead of the day during one-half of the year; and in the letter of Mr. Brown to James F. Robinson of the 6th December, 1832, it is stated: "To perfect the connexions, it was found necessary to limit the time to twelve hours each way; and during the best season of the year for passengers, to run from Cincinnati to Georgetown in the night instead of the day." From these circumstances, both the majority and minority of the committee were impressed with the belief that the performance, during half the year, was mostly in the night instead of the day; and such appears to have been the impression of the Department. But, from the testimony now before the committee, it appears that but a very small portion of the service was performed in the night, perhaps not more than would have been required under the original schedule. The increase of the expedition, therefore, is the only ground on which the additional allowance could be justified. The distance is stated to be seventy-two miles, with the Ohio to be crossed. The original contract time was fourteen hours, five and one-seventh miles an hour, from which time must be gained for changing horses, and opening and closing the mails, and the refreshment of passengers on the road. They were required to run through in twelve hours instead of fourteen, increasing the expedition to an average of six miles an hour, out of which the same time must be gained for changing horses, and opening and closing mails, and refreshment of passengers.

The claim of the contractor for increase of compensation appears to have been founded on the increase of expense to which it subjected him; and there is a stipulation in all mail contracts in these words: "It is also agreed that the Postmaster General may alter the times of arrival and departure fixed by said schedule, and alter the route, he making an adequate compensation for any extra expense which may be occasioned thereby; and the Postmaster General reserves the right of annulling this contract, in case the contractor does not promptly adopt the alteration required." In virtue of the power reserved in this article, the Postmaster General directed the increase of expedition; and in virtue of its stipulation the contractor claimed a large increase of compensation. The Postmaster General referred it to experienced persons, in whose judgment and character he had confidence, and they estimated the increase of expense at 3,500 dollars. Their statement refers to no other expense than what was required for increase of expedition, and not for any supposed change from day to night service. The Postmaster General did not finally agree to allow the whole amount which the referees awarded, though supported by other respectable names, but allowed an additional compensation of 3,000 dollars. We are not inclined to set our judgment in opposition to that of more experienced persons, who had the facts before them on which their decision was made; we cannot, however, but believe that the extra compensation was too great, when compared with the original price and compensation. In the original contract the contractor evidently depended mainly on passengers for his compensation. The increased expedition would not be likely to increase his number of passengers, and for the expense to which it subjected him he could look to the Department alone. After it was ordered by the Postmaster General, the stipulation in the contract required him to defray the expense; and when he had agreed to refer it to disinterested arbiters to decide, appointed by himself, we do not see how he could have well refused to make the allowance.

The committee have taken depositions for the purpose of ascertaining whether the service had been performed which had been ordered by the Postmaster General, for the increase of expedition on this route, and, among others, the deposition of the contractor, and of the postmasters at the ends of the route. It appears from the testimony of John T. Johnson, postmaster at Georgetown, Kentucky, that the mail departed from that place at various hours, from 10 o'clock at night to 6 o'clock in the morning. Robert Read, the former postmaster at the same place, states that, according to his recollection, it left Georgetown at 5 o'clock A. M. William Burke, the postmaster at Cincinnati, Ohio, states that the mail in question arrived, upon an average, at his office, at from 5 to 6 o'clock P. M. It further appears from the testimony of the same witness, that the mail from Cincinnati to Georgetown departed from his office a part of the time on the same evening of its arrival, and that at other times it left in the morning at from 4 to 5 o'clock. He states further, that in the winter the mail for that route was regularly made up by sunset, and during the remainder of the year from 7 to 8 o'clock P. M.

The deposition of Alexander Connelly, the postmaster at Covington, opposite to Cincinnati, on the Ohio river, Kentucky, states, that the mail from Georgetown arrived at his office from 5 to 8 o'clock P. M. From the deposition of John T. Johnson, above referred to, who speaks of the winter season, it appears that the arrival of the Cincinnati mail at his office is generally after 9 o'clock P. M. Read, the former postmaster, says that, during the time he was postmaster, the arrival at Georgetown was earlier than the time mentioned by Mr. Johnson, being from 7 to 9 o'clock P. M.; and Mr. J. F. Robinson says Mr. Johnson's deposition as to the winter arrivals is correct, according to his recollection, and that its arrivals at other seasons have been at an earlier hour.

From the foregoing testimony it may be fairly concluded that the transportation from Georgetown to Cincinnati was substantially effected according to the orders of the Department; for, although the mail set out from Georgetown at an earlier hour than 6 o'clock A. M., it was the duty of the contractor or his agents to remain at the office in Georgetown until that time, unless the mail could be delivered at an earlier hour; and if other contractors, whose routes connected with this at Georgetown, by outrunning their time, brought the mail so as to enable the postmaster to deliver it to the contractor or his agents on this line at an earlier hour, the public have sustained no inconvenience. As to the mail from Cincinnati to Georgetown, it was not transported within the time ordered, nor did there exist any necessity that it should be.

It appears, from the testimony examined by the committee, that the weight of the mail from Cincinnati to Georgetown was from seventy-five to one hundred pounds upon an average, and at times from three to four hundred.

In relation to the above route from Cincinnati to Georgetown, one member of the minority of the committee declined acting, and what is said respecting it is the act of the chairman only.

Reeside and Company.—*Contracts from Philadelphia to Pittsburg.*

The mail routes between Philadelphia and Pittsburg, Pennsylvania, and between Pittsburg, Pennsylvania, and Wheeling, Virginia, have been reinvestigated by the committee. James Reeside, Samuel R. Slaymaker, and Jesse Tomlinson, are the contractors on these routes. Their contract is dated 15th of October, 1831, and it is for the contractors to carry the mail twice a day in four-horse post coaches between Philadelphia and Pittsburg; one line to run through in fifty three hours, and the other in eighty hours; and between Pittsburg and Wheeling daily, to run through in fourteen hours. On the route between Philadelphia and Pittsburg the first daily mail, which was to run with the greatest rapidity, was required to exchange mails only at each county town through which it passed. The second, or less rapid daily mail, was to change mails at every post office on the road. The contractors were also required to furnish armed guards for the mail whenever required by the Department; and for the whole service they were to receive $27,000 a year; the service to commence on the 1st of January, 1832, and to continue four years. The object of the second line between Philadelphia and Pittsburg appears to have been to carry the way mail, by which means the more rapid line would not be delayed in its progress by stopping at all the offices on the road, nor by being burdened with the weight of the whole mail running between those two cities. Nothing is said in the contract concerning the newspaper mails; but the contractor, Slaymaker, proves that it was their intention, and that such was the mutual understanding of the parties, that the newspaper mails were to be carried by the second or less rapid line; and this allegation is admitted by the Department and proved by the then superintendent of mail contracts.

From the 1st of April, 1832, they were required by the Postmaster General to carry all the newspapers in their first or more rapid line. It appears also from the testimony, that the weight of the mails had so increased beyond their former magnitude, that one or two days in each week they exceeded a ton weight; and when required to be conveyed in one stage, especially in the more rapid line, they excluded passengers to a considerable extent. In consideration of this increased weight, and for carrying the whole newspaper mail, the Postmaster General allowed them, from the 1st of April, 1832, an additional compensation at the rate of $10,000 per annum, till the month of December, 1833, when it was withdrawn. Whether this service was worth that sum we are less competent than the Department to decide correctly. If the celerity which was given to this line, as has been alleged, caused newspapers and other mailable matter to come upon it which had before gone on other routes, so as to give to it an increase of weight beyond what had been contemplated when they entered into the contract, it would seem reasonable that they should receive an adequate compensation for the same; and when not only this increased weight, but also the whole newspaper mail, which had been intended to be transported in their slower line, was required to be carried in the more rapid line, it appears to us perfectly equitable that the contractors should receive an increase of pay. The true rule which should be observed between the Department and contractors upon such subjects, it seems to us, should be this: that the increase of the mail upon a line of transportation, produced from any other cause than the act of the Department itself, should be borne by the contractor as a part of his original undertaking. But when the Department by its own act throws a burden upon the contractor which could not have been foreseen or anticipated by him at the time of making the contract, then justice requires that fair compensation should be made. The conveyance of from a ton to a ton and a half in weight in one stage coach, at the rate of a hundred and thirty miles a day, for more than three hundred miles, must of necessity subject contractors to great expense. This they appear to have done one or two days in each week for a considerable time. To have divided the mail between two coaches, and to have given the greater weight to the less rapid conveyance, as appears to have been the meaning and intention of their contract, would have rendered the service much less expensive, and subjected them to less sacrifice by the exclusion of passengers. The contractors themselves estimated the increase of expense at a much higher rate than was allowed them; but the additional sum fixed for the service appears to have been what the Postmaster General, in the exercise of his judgment, thought equitable.

We would have preferred that the written contract should have specified in what line of stages the newspapers were to be carried; but still, if an omission of that kind be made, the true intent and meaning of the parties should be carried into effect, which is all that has been done in this case. We doubt, however, very much the expediency of dividing a mail ready for delivery to the contractor, at the time of departure, in any case. It might be a better practice so to make the contracts as to require of the contractor to send on the whole mail at the same time, even should more than one coach or stage be necessary for that purpose. By this means, those who rely on newspaper intelligence would be placed on the same footing with those who receive information by letters from correspondents.

The committee, from the circumstance of a loan on interest having been made to Mr. Brown by Mr. Reeside and Mr. Slaymaker some six or eight months after this allowance was made, entered into a very close examination and inquiry of the application which they made of the money received for this allowance, and the manner in which they accounted for it to the stage company. While examining Mr. Slaymaker upon this subject in Chambersburg, Pa., on the 18th of November last, this interrogatory was propounded to him: "In what manner did you settle with your other partners for the allowance? state the time, manner, and circumstances." To to this interrogatory he refused to answer. But a few days after, while the committee was in session in this place, Mr. Slaymaker addressed a letter to the chairman of the committee, dated Washington city, December the 4th, 1834, informing him that he was then in the city, and willing to meet the committee and answer the interrogation which he had before declined to answer. This circumstance should, in our opinion, remove any unfavorable inference which might be drawn from his first refusal to answer. Mr. Slaymaker has, since the committee received his note, been called before them, and by his testimony clearly exonerates all persons employed in the General Post Office from any participation or benefit whatever, directly or indirectly, in the extra allowance in question.

Whether the settlement with the stage company was equitable or not, we do not conceive to be a legitimate object of inquiry with the committee: that belongs to another forum, if the parties are dissatisfied. We see nothing in the testimony showing that any individual employed in the Department has derived any benefit from the extra allowance made to the contractors.

Reeside's Contract—*From Hagerstown to McConnellsburg.*

The committee have reinvestigated the subject of the route from Hagerstown to McConnellsburg, (McConnellstown, Pa.,) and we deem it no part of our duty to determine whether Mr. Reeside was mistaken in his bid, as put in, or not, as his intention to bid one amount or another could have no legitimate influence upon the decision of the Postmaster General. The opinion of the latter had to be formed upon the evidence before him. The following is a copy of a paper on file in the Department, written by the then superintendent of mail contracts:

"Mr. Reeside says the bid was put in by mistake, as will appear from the small sum. He intended to have made it $1,400, and to run daily, and so marked with his pencil; but the clerk who copied it for him mistook his pencil mark; supposing the 1 was belonging to his dollar sign, and the 0 on the right hand he overlooked, or considered it merely a point. The Postmaster General gave him a verbal order to run daily, and reserved for consideration the correction of the error. He has run from the beginning of the year daily. Shall he be allowed to correct the error and receive $1,400? His distance is increased ten miles. No other bid."

Upon this statement the Postmaster General directed the supposed error to be corrected, and allowed Mr. Reeside the $1,400, to take effect from the beginning of the contract.

Upon this route it appears, by the evidence of Josiah Horton, (see document 63,) who seems to have had a full knowledge of the subject, that the mail was carried the first year daily, in four-horse post coaches, by the Pennsylvania company; then, until the 1st of October, 1833, it was carried by Lindsay and McKinstry in the same way; from the 1st of October Slaymaker and the witness run daily, on that line, but thinks the mail was not carried in the stage for some time previous to April, 1834; but during the whole of 1833 the coaches run daily and carried the mail. In January, 1834, the coaches left Hagerstown, and the postmaster refused to give the mail at the time the coaches left; and from that time to the present the mail has been carried three times a week on horseback. It should be here remarked that the coaches run generally by Greencastle, which was not on the mail route, and not by the Welsh Run post office, which had to be supplied from the Mercersburg office. It appears that the contractor, Mr. Reeside, was paid $350 per quarter for a portion of the year 1834, thus receiving pay for transporting the mail in coaches, when it was carried on horseback a considerable portion of the time.

Reeside's Contract—*From Bedford to Washington, Pennsylvania.*

The route from Bedford to Washington, Pennsylvania, No. 1,198, was given by contract to James Reeside, the mail to be carried three times a week in four-horse post coaches, distance one hundred and six miles, at 725 dollars per quarter; the service to commence on the 1st of January, 1832. Before the service commenced, he was directed to run daily at a *pro rata* allowance, which, for the four additional trips every week, increased his pay to $1,691 67 per quarter. The object of this improvement appears to have been to give a daily mail on the most direct route between Philadelphia and Wheeling. The contractor appears to have commenced the service agreeably to his contract and the improvement ordered, and so to have continued till the following September. From that time, as is shown by the testimony of William Lewis, (see document 62,) who superintended the transportation of the mail a portion of the time, and for a part of it acted as sub-contractor, the line has been a tri-weekly one to the time of taking his deposition. So it appears that this line was daily for nearly the first three quarters of the first year, and tri-weekly the remainder of the time. The account of Mr. Reeside, furnished by the Department, shows that the contractor has been paid $1,691 67, from the 1st day of January, 1832, to the 1st day of December, 1833, that sum being the price of a daily line on said route. The daily service ceased on the 1st of September, 1832, and from that time to the 1st of December, 1833, he has received at the rate of $966 67 per quarter more than the sum to which he was entitled.

Reeside's Contract—*From Baltimore to Chambersburg.*

The route No. 1,388, between Baltimore and Chambersburg, Pennsylvania, constitutes a part of the direct line between Baltimore and Pittsburg. It was advertised in 1831 to run daily both ways, seventy-seven miles, in four-horse post coaches; to leave Baltimore daily at 4 A. M., and arrive at Chambersburg the same day by 9 P. M.; leave Chambersburg daily at 2 A. M., and arrive at Baltimore same day by 8 P. M.; making seventeen hours one way and eighteen hours the other way. James Reeside appears to have been the only person who bid for this route. His proposal contained two propositions; one was to convey the mail as advertised for $1,900 a year; the other was to leave Baltimore daily, after the arrival of the steamboat from Philadelphia, and arrive at Chambersburg same day, in time to connect with the mail from Philadelphia to Pittsburg, for $3,495 a year. The contract was made with him, dated 15th of October, 1831, to take effect from the 1st of January, 1832, and to continue four years, at $1,900 a year, to carry the mail as advertised. On the 29th of December, 1831, before the service commenced under the contract, the schedule was so altered as to embrace his second proposition, which entitled him to the sum stipulated in such case, $3,495 per annum. The alteration noted on the contract is thus: "Leave Baltimore daily at 1 A. M., and arrive at Chambersburg same day by 3 P. M.; leave Chambersburg daily at 2 A. M., and arrive at Baltimore same day by 5 P. M." This was an increase in the expedition of three hours each way; and if it would require but one additional team each way, it would, according to the estimate of expenses on other routes, have amounted to a greater sum. The object appears to have been to form a connexion with the mail from Philadelphia via Chambersburg to Pittsburg, so as to prevent any detention of the mail from Baltimore at Chambersburg, and so as to deliver the mail from Baltimore one day earlier at Pittsburg than what its delivery would have been if it had run under the schedule as advertised. On the 12th of September, 1832, the schedule was again altered by order of the Postmaster General, so as to leave Baltimore daily at 7 A. M., and arrive at Chambersburg the same day by 8 P. M.; leave Chambersburg by 3 A. M., and arrive at Baltimore by 4 P. M.; but if the mail from Pittsburg had not arrived at Chambersburg by 3 A. M., then to delay the departure till after its arrival, though it might be till 8 or 9 A. M., and to arrive at Baltimore in thirteen hours. This last alteration required an increased expedition of one hour one way, and two hours the other way, beyond the shortest time which had been before prescribed; but for this last increase of expedition the contractor does not appear to have received any additional compensation. The time which he was authorized to occupy in running from Baltimore to Chambersburg, under the schedule which entitled him to the highest compensation, was fourteen hours, which would be from 7 A. M. to 9 P. M.; and from the testimony of John Siders, it appears that the mail sometimes arrived at Chambersburg as early as 6 or 7 P. M., but was frequently later, and frequently from 10 to 11 P. M. It appears from the testimony of John Findlay, postmaster at Chambersburg, that the fast line from Philadelphia, when it first run, arrived at his office at 10 P. M. It was then changed as to the time of its departure from Philadelphia, and afterwards arrived at his office from 4 to 8

A. M. So long as the Philadelphia mail, by the arrangement of the schedule on that line, arrived at Chambersburg at 10 P. M., it was proper to require the Baltimore mail to arrive at 9 P. M., so as to prevent any delay on the main line. But when the change took place in the Philadelphia line, so that the mail from that place arrived at Chambersburg from 4 to 8 A. M., there was no occasion for the increased expedition provided for. It does not appear, from the testimony, that the transportation of the mail on the route from Baltimore to Chambersburg has been effected with any regularity.

Bennett's Case.

The committee have re-examined the case of route No. 1,148, between Bellefonte and Meadville, Pennsylvania, and, so far as relates to the original bids and contract, we beg leave to refer to the report made by the minority of the committee to the Senate at the last session, the correctness of which we have found no reason to doubt; and, in addition thereto, now state that the extra allowance first made on said route was made by the late Postmaster General, at the rate of $500 per annum, for an improvement on said route, which allowance, by his order, was for one year; that the present Postmaster General only renewed the order of his predecessor, making the same allowance for the same service. It also appears, from the testimony of Benjamin Bennett, (see Doc. 30,) that after the last lettings, neither Platt & Co., in whose favor the said route was declared by the Postmaster General, nor any other person, except himself and his brother, John Bennett, ever placed any stock on said route for transporting the mail; that he and his brother took the contract, and were equally interested in it; that he knows of no connexion whatever between a newspaper establishment at Meadville and either the extra allowance or the contract. It further appears from the testimony, that John Bennett, in his lifetime, was part owner of a newspaper printing establishment at Meadville; and that the newspaper had been discontinued a short time before he became interested in the printing establishment, and that there was no change in the political character of the newspaper for some time before its discontinuance, and after it went into operation, when Mr. Bennett was interested.

From an impartial view of all the testimony, we are of opinion that there is no foundation for the slightest imputation against the Department in reference to the extra allowance, the contract, or the newspaper establishment in question.

Reeside's Contract—*From Cumberland to Blair's Gap.*

For the transportation of the mail on routes Nos. 1,215 and 1,230, from Cumberland to Blair's Gap, a contract (see Doc. 71) was entered into on the 12th of March, 1832, for carrying the mail three times a week, in four-horse post coaches; price per quarter $1,125. On the 25th of February, 1833, the contractor was directed to run daily, at an allowance *pro rata*, amounting to $2,625 per quarter, from the day of , 1833. On the 1st of December, 1833, the last order was rescinded, and one month's extra pay allowed. In October, 1834, route No. 1,215 was reduced to a horse mail of once a week; and No. 1,230 to a horse mail twice a week; amount of deduction $3,995, from the 15th of October, 1834. It appears from the testimony of John W. Weaver, (see Doc. 64,) that he carried this mail from the 25th of April, 1832, on horseback, three times a week from Cumberland to Bedford, until some time in July of the same year; then it was carried in six passenger coaches, part of the way with four, and part with two horses, until the latter part of October, from which time he carried it three times a week on horseback until the 1st of April, 1833. From the testimony of William Lewis, (see Doc. 62,) it appears that from about the middle of May, 1833, it was carried in four and two-horse coaches, and was a tri-weekly line. John Piper (see Doc. 66) testifies that after Weaver ceased to carry it, Mr. Reeside, the contractor, took charge of the line himself, and the mail was, in 1833, carried three times a week, in four-horse coaches, for about eight months, and until the road became bad. During the next four months, the mail was carried in two-horse coaches, in barouches, and occasionally on horseback. Mr. Reeside had directed that it should be carried daily.

The Department appears to have paid to the contractor, regularly, $1,125 per quarter, according to the original contract, to the close of the year 1833; and also the sum of $2,434 52 for the extra service which was ordered on the 25th of February, 1833.

It appears from the testimony, that the original contract was not complied with during the first year in the mode of transportation, the mail having been carried on horseback a large portion of that time. As to the additional service ordered in February, 1833, it does not appear that any part of it was performed, although it does not appear that the Postmaster General had any information that the extra services ordered had not been rendered; and although the contractor may not have known that his agents or sub-contractors had failed to execute his order given to them, still justice requires that the whole amount allowed for the extra services not performed, as well as the month's pay for the discontinuance, should be refunded to the Department, out of the pay upon the current contracts of the contractor, Mr. Reeside. We are of opinion that, in all cases in which extra services upon existing contracts are ordered, the postmasters on the routes so improved should be furnished with an amended schedule by the Department, so as to enable them to report to it any non-performance of its orders; and that in such cases the orders of the Department should not alone be relied on to prove that the services have been rendered.

Tillow's Case.

The mail route between Newark and Paterson, in New Jersey, has been a subject of investigation. (See Docs. 31 and 32.) This is a part of route No. 956 as it was advertised in 1831. The whole route was from Newark by Belleville, Acquackanock, Paterson, Pompton, Newfoundland, Stockholm, and Hamburg, to Deckertown, fifty miles, to run twice a week in stages. The contract was made with J. J. Roy, Daniel Searle, Miller Horton, J. H. Avery, J. C. Horton, and Stockton and Stokes, (though it appears to have been signed only by Daniel Searle, Miller Horton, and J. C. Horton,) for this and three other routes, with alterations from the advertisements, that is to say, No. 953, from New York by Morristown, New Jersey, to Milford, Pennsylvania, seventy-five miles, three times a week, in four-horse coaches. No. 956 so altered as to run from New York by Paterson, Pompton, Newfoundland, Stockholm, Hamburg, and Deckertown, to Milford, Pa., three times a week in four-horse post coaches; and from Newark by Belleville to Paterson, twice a week in two-horse stages; and that part of the route as altered between New York and Paterson to run daily. No. 1,035, from Milford, Pa., to Owego, New York, one hundred miles, six times a week, in four-horse post coaches; and No. 1,110, from Northumberland, Pa., by Wilkesbarre, to Dundaff, (where it intersects No. 1,035,) ninety-six miles daily, in four-horse post coaches, for $13,975 a year. That part of No. 956 which lies between Newark and Paterson, fifteen miles, to be carried twice a week, would, at the rate allowed for the whole contract, amount to about $230 a year. Mr. Roy, who had the part of the contract which embraced that space, employed William Tillow, of Newark, to perform the service for $200 a year. The contract commenced on the 1st of January, 1832, to continue for the usual period of four years. In February, 1832, whilst Mr. Roy, by his sub-contractor, Mr. Tillow, was performing the service under his contract, a petition was sent to the Postmaster General, setting forth the importance of a daily mail between those two places, and proposing that John Fine should be employed to carry it, who, the petitioners stated, would perform the service for $200 a year. The Postmaster General directed the mail to be transported on that part of the route from that time to the 1st of May following, three times a week, and from the 1st of May six times a week; and made a *pro rata* allowance for the same.

The only question is, whether the Postmaster General should have superseded the contract with Mr. Roy, and given it to another who had not bid for it at its letting; or have contracted with that other person to perform the additional service on the same route, because he now proposed, after the contract was made, to perform it at a lower rate. The contract was in existence, and while it was faithfully performed on the part of the contractor, we know of no principle by which he could be justly deprived of it. The same rule also governs the Postmaster General, we understand, in regard to increased number of trips on a route where a contract exists. It is not customary to make a contract with another person to carry a mail on a route which is already under contract, but to require the contractor to perform such additional service as may be necessary, provided he will do so at a rate not exceeding a *pro rata* allowance for such service. This kind of protection the Postmaster General appears to consider due to contractors, and that the anticipation of it induces them to take contracts much lower than they would do if they were liable to be superseded by an opposition that might, at any time, run upon the route; or, if such opposition was likely to be encouraged by the Department, with contracts to carry the mail upon the same road.

Reeside's Contract—*From New York to Philadelphia.*

Route No. 951, from New York to Philadelphia, was let in the fall of 1831, to James Reeside, the then contractor on the route. By this contract Mr. Reeside was to transport the mail by Jersey City, (New Jersey,) Newark, Elizabethtown, Rahway, New Brunswick, Kingston, Princeton, Trenton, Morrisville, (Pennsylvania,) Tullytown, Bristol, Andalusia, Holmesburg, and Frankford, to Philadelphia, in four-horse post coaches, as advertised, for the sum of six thousand dollars per annum; the expense of carrying the mail across the Hudson river to be defrayed by the Department. It was also provided in the contract (see Doc. No. 95) that increased speed should be given to the mail, so that it should run through, from city to city, in thirteen hours; and a second daily mail should be run from city to city in steam boats and stages, if required by the Postmaster General, for which and for providing armed guards, when required, the contractor was to receive $13,000; and, to keep up the second daily mail in the season of the year when steamboats did not run, the further compensation was provided of $1,500 per annum.

During the sessions of Congress it had been deemed necessary by the Department to run an additional mail line from Baltimore to Philadelphia, which was done by the way of Lancaster, to carry a portion of the mail matter too heavy for one line, and to give to Philadelphia the benefit of a second daily mail from the city of Washington. It was deemed expedient to extend the advantage of this arrangement to New York; particularly so, as it gave the morning papers published in that city Washington intelligence much in advance of the ordinary mail. A third mail was therefore ordered to be run on route No. 951, in the winter and during the suspension of steamboats, in connexion with the line from Baltimore, by way of Lancaster, called an express mail. Mr. Reeside was allowed for this the sum of $3,150 per annum.

It should be remarked, that the original contract was for 6,000 dollars a year, and the mail was to run daily, and all the offices on the route to be supplied by it. This service was evidently less than the interest of the community required, and is one of the cases embraced in the remarks heretofore made, in which the advertisements inviting proposals did not call for sufficient service.

In the proposal and contract the Postmaster General is authorized to order an increased expedition, so as to go from city to city in thirteen hours; and to put on a second daily mail between the two cities, to run in steamboats and stages, and to have the mail protected by an armed guard, for the additional sum of 13,000 dollars; and for a further sum of 1,500 dollars, to send the second daily mail, during the suspension of steamboat navigation, in four-horse post coaches. This service was ordered by the Postmaster General from the commencement of the contract. We do not consider it too much for the route lying between the two great cities of New York and Philadelphia. Less than this between those important points will not prevent a resort to the establishment of private mails.

From the whole evidence, (see Doc. No. 92 to 98,) we are of opinion that the contractor has substantially executed the orders of the Postmaster General.

It appears by a report from the Department, that in March, 1833, the Postmaster General determined to expedite the mail between Washington and New York, and between that place and the eastern cities, with a view to put down private mails, and to do away the necessity of employing a public express for that purpose, and as had been done in the preceding winter. It was found necessary to run the mail from Philadelphia to New York in twelve hours, in bad roads as well as good. For this purpose the contractor was engaged to perform the service in that time; but the execution was considered impracticable, if he were compelled to stop at the numerous post offices on the route, and therefore an additional line was established for the purpose of supplying them. This arrangement rendered unnecessary the express mail before spoken of. This additional mail cost the Department $5,125, which is $1,975 more than the express mail, which was in consequence ordered to be discontinued. By this latter arrangement, the mail was despatched from Washington to New York in fifteen hours less time on the winter arrangement than before, and a day was gained in the expedition of the southern mail to Boston and Albany, and the numerous points beyond. This requirement of extraordinary speed on route No. 951 had the effect of inducing the contractor to arrange with the Camden and Amboy Railroad Company for the transportation of the city mails, and the great eastern and southern mails passing through New Jersey; and thereby secured to the service of the mail all the expedition that could be given by the railroad, which had been completed and put in operation since the making of the mail contracts for that section of the United States. It is of the greatest importance that the movement of the mail should be as rapid as that of travellers, especially between large cities like Philadelphia and New York. It is apparent that much difficulty may arise in effecting this, where a change in the mode of travel has taken place subsequently to the contracts being let for four years, as in the event of the construction of a railroad, respecting which there are no general provisions of law, as in the case of steamboats. In this instance, the running of two lines of mails on the railroad was accomplished, and a daily line of stage mail continued to the towns situated between Philadelphia and New York, on the old route, at an additional cost of moderate amount, compared with the amount paid on the contract, or the rate of compensation asked by the railroad companies for transporting the mail, and not an unreasonable price, in our judgments, for the advantages secured by the improvement.

It should be noticed that four daily mails are named by witnesses as having been run by the contractor between New York and Philadelphia; only three were ordered and paid for by the Department. The fourth was carried for the contractor's own convenience, and was made up of mail matter properly belonging to one of the others.

It appears from the testimony, (see Docs. Nos. 123, 121, 122, and 97,) that in the beginning of the year 1833, such was the excited and interesting state of public affairs, that the editor of the Journal of Commerce, a newspaper printed in the city of New York, felt justified at his own expense to establish an express to run from Philadelphia to the city of New York, and by this means obtained the intelligence earlier than its arrival in the regular course of the mail. This express had been in operation for several days, and, by reason of it, the editor of that paper obtained information at an earlier period than the other editors in the city of New York. As was to be expected, this produced dissatisfaction, that a private individual could obtain intelligence for himself and patrons before the Government furnished it to the citizens generally. In this state of things, the Postmaster General deemed it his duty to employ an express mail, which should convey intelligence as rapidly as it could be furnished by the individual alluded to. He accordingly engaged Mr. Reeside, an efficient contractor, to perform this special service, promising to give him a fair compensation for the same so long as it should be deemed necessary for the Government express to be run.

Doubts have been expressed as to the propriety of this measure, as adopted by the Postmaster General. Although we are inclined to the opinion that celerity in the transportation of the mail has been too much regarded in some cases, yet, in this instance, the object of the Department was laudable and praiseworthy. It should not be permitted that an individual should establish a mode of communication, and continue it, by which intelligence should be received and acted upon by him before the community at large can have the benefit of it through the medium of the Government mails. If such a measure on the part of an individual cannot be arrested by law, the Government should not hesitate to adopt means, although of an expensive character, to place the community generally in possession of the same intelligence at as early a period as practicable. It should defeat the efforts of individuals to exercise functions and powers belonging exclusively to itself; especially where such efforts are attended with the effect of giving them advantages over the rest of the community. We therefore conclude that it was proper in the Post Office Department to put this express mail into operation. And we have not heard of any attempt to set up a private express, either for purposes of speculation or any other, since the one made by the editors of the Journal of Commerce; and it is hoped that the measures adopted by the Postmaster General in this instance will teach all our citizens the inutility of such attempts.

The next inquiry which presents itself for consideration is, whether the Postmaster General has acted judiciously in effecting the object in question. He attempted to make a contract for a specific sum by his agent in New York. The sum demanded was more than the agent thought a fair equivalent for the service. He then directed Mr. Reeside to perform it, engaging that he should be fairly compensated for the service. The contractor (Reeside) commenced the service, and continued it until it became known at the Department that the editor of the Journal of Commerce had ceased to run his express. By contract, Mr. Reeside was to run the distance, ninety miles, in six hours each way. This, according to the testimony, would require that no horse should be run more than about five miles at one time. Two horses were necessary to carry the mail; of course it would require seventy-two horses for each day's service, exclusive of those which had to be kept on the line to supply the places of those that might be disabled by the service. The Department had stipulated to pay a fair equivalent for the service, and the contractor (Mr. Reeside) brought forward the testimony of three witnesses, verified by their oaths, showing that they, the witnesses, had been for several years engaged in business of that kind; and that, from their knowledge of the services performed as set forth in Mr. Reeside's account, they considered the charges to be entirely fair and reasonable, and no more than a just remuneration for his services and the necessary expenses attending them. We are ignorant of the characters of these witnesses, one of whom is well vouched for, and it is but fair to presume that the Department was satisfied of the respectability of all, before the account was allowed. The account charges one dollar for each horse for every mile run during the service, which several witnesses say is the common price for such service. If this price be allowed, Mr. Reeside has not received more than he was entitled to.

It appears by the testimony of Mr. Schenk, (see Doc. No. 122,) who assisted in running the express for the Journal of Commerce, that, in some instances, that express arrived earlier at New York than the Government express, and that at other times the Government express arrived first. The editor of the Journal of Commerce states that the private express generally arrived first. This was owing, no doubt, to the fact that, so soon as the Government express commenced running from Philadelphia, from which place the private express had set out before that time, Mr. Hale, the editor, changed the place of starting his express to Port Deposite, and afterwards to Washington city; and by receiving his mail matter at these places his express would outrun the mail coach, and pass Philadelphia before the Government express could receive the mail matter to be carried by it from the post office in that city.

Some subjects examined by the committee may have escaped our notice. Nothing, however, deemed to be of importance has been intentionally omitted. The deficiencies in the finances of the Department have arisen mainly from a desire in the head of the Department to extend the benefits of mail facilities and stage coach accommodations to every portion of the community; from the extension of the franking privilege, and from the legislation of Congress, in extending the transportation of the mail over unproductive routes. The public, however, have been greatly benefited and accommodated by the very measures which have produced the present embarrassed condition of the Department. That errors and irregularities have occurred is most certain, and most of them have been produced by the representations and pressing solicitations of the citizens of towns and neighborhoods through which the increased mail facilities have been extended. Their applications have been sustained by members of Congress from almost every section of the country. The recent measures, however, adopted by the Department, curtailing mail accommodations, seem to promise a restoration of its administration to the true principle upon which it should be conducted, which is, that its expenditures should not exceed its own revenues.

If Congress would now appropriate a sufficient sum to pay the existing debts against the Department, and by law make the provisions hereafter mentioned, most of which were suggested by us at the last session, no reasonable doubt could be entertained but that the operations of the Department would hereafter be safe and economical, and most of the useful facilities which have been curtailed be restored, and the Department enabled from its own resources to meet the expenditures which will probably be produced by the extension and increase of mail routes at the next session of Congress. The legal provisions we would recommend are:

1. An auditor and treasurer to be appointed by the President and Senate.
2. That reports be made to Congress annually of all the expenditures of the Department, stated in detail, including incidental expenses; also, of all new contracts, and modifications of contracts, and their respective prices; also, a statement of the amount paid for the transportation of the mail on each route, in the several States and Territories, as near as may be.
3. That any person employed in the General Post Office shall be prohibited from becoming a mail contractor, or interested in a mail contract, or an agent, with or without compensation, for a mail contractor.
4. That advertisements for proposals to carry the mail issued previous to the periodical lettings, be made as nearly as may be according to the manner in which, in the judgment of the Postmaster General, the mail should be transported during the period of the contract.
5. That the sealed proposals received from bidders for mail contracts shall not be opened until after the time for receiving bids shall have expired.
6. That reports be made to Congress annually of all failures by contractors on principal mail routes to deliver mails, and the action of the Postmaster General in regard thereto in each case.
7. That the deputy postmasters at the termination of each route be furnished with copies of the schedules containing the times of arrival and departure of all mails at his office; and if any alteration be made by the Department of the time of arrival or departure of any mail at any of said offices, the postmaster to be forthwith notified of the same.
8. That it shall be the duty of each deputy postmaster to immediately notify the Department of every failure in any contractor to deliver the mail at the respective times specified in the schedules furnished.

FELIX GRUNDY.
JOHN M. ROBINSON.

We append to this report all the vouchers and depositions procured and taken by the committee in relation to all the subjects investigated by them.

FELIX GRUNDY.
JOHN M. ROBINSON.

PUBLIC PRINTING.

House of Representatives, *March* 2, 1835.

Mr. Hamer, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to which (on motion of Mr. Burges) was referred a resolution in these words: "*Resolved*, That the Committee on the Judiciary be directed to inquire into the expediency and economy of so altering and amending the laws of the United States that thereafter all printing whatever required to be done for the United States, in any part of the public service, shall be done and performed within the District of Columbia; and that no such printing shall be done by any person or persons who may be concerned in any way of emolument, with any public journal or newspaper;" presented a report, as follows:

The Committee on the Judiciary have had the foregoing resolution under consideration, and now submit the following report in reference to the propositions therein contained:

After a mature examination of this subject, with the aid of all the lights of which they have been able to avail themselves, they are of opinion that the changes suggested with regard to the public printing are inexpedient, and ought not to be adopted.

The resolution contains two propositions: 1st. That all the public printing shall be done in the District of Columbia; and, 2d. That editors and conductors of newspapers shall be excluded from employment, either by the executive departments of the Government, or by the two Houses of Congress.

The first is wholly impracticable. The laws of Congress should be widely promulgated, that they may be known to the people upon whom they are to operate; they should, therefore, be published in newspapers scattered through the different States of the Union. Proposals for carrying the mail, for furnishing the army and navy with provisions, and for the execution of various public works, should be published in the different sections of the country where the materials and labor are wanted, so as to excite fair and honorable competition. To require all the public printing to be done within this District is at once to lose sight of important public interests which are now subserved in the mode at present followed by the several departments of the Government.

The second proposition is one of a much more serious character, and deserves a degree of attention and consideration which is not demanded by the former. It proposes to establish a new principle in our Government, which is no less than the proscription, by law, of a particular profession of men from a particular kind of public employment. A principle so startling, and so contrary to the genius of free government, deserves our examination. Monopolies, proscriptions, exclusive privileges, and peculiar *castes*, are so abhorrent to every system founded upon the doctrines of liberty and equality, that nothing which bears their resemblance should be admitted unless the most unanswerable reasoning can be urged in its support. Such is not the case, in the opinion of your committee, with the present proposition.

Upon looking into the constitution of the United States, we will perceive that there are very few disqualifications for offices and appointments under the General Government. To hold the office of President, Vice President, Senator, or Representative, it is only necessary to be of a certain age, and to be a citizen, as therein described, having resided in the country or State a given number of years. There is no difference made with regard to professions or classes of men. All offices are open to all classes, without distinction. Those who are thus eligible can only be constitutionally deprived of their rights by impeachment for high crimes and misdemeanors. Such are the wise and liberal provisions of that great charter, the admirable work of patriots and sages who achieved and secured our liberties as a confederated people.

It may be safely assumed that Congress have no power to prescribe a disqualification for office, which is unknown to the constitution. All attempts to require qualifications for office in the executive or legislative branches of the Government, other than those named in the constitution, would be utterly nugatory. They cannot impose limits upon the elective power, which may rightfully range in its choice over the whole field left to it by the framers of our liberal and enlightened system, neither can they restrict the Executive in his appointments. Every American citizen having the qualifications specified in the constitution, is eligible to all the appointments in the gift of the President. Congress can neither deprive him of these rights by any legislative enactment, nor limit the authority of the Chief Magistrate by requiring him to select his officers from a particular class, occupation, or profession.

A like principle applies to all legislative appointments. The House of Representatives have power to choose their Speaker and other officers, but they have no power, either in conjunction with the Senate and President, or by a separate resolution, to make any man or class of men ineligible to those appointments. Every gentleman constitutionally elected a member of the House is eligible to the office of Speaker; and a law or resolution declaring that farmers, mechanics, merchants, or lawyers, should not be eligible, would be unconstitutional and void. So every citizen of the United States is eligible to the office of Clerk, Sergeant-at-Arms, Doorkeeper, or any other which the House may find it necessary and expedient to establish. All laws, resolutions, rules, or orders, proscribing any one class, or attempting to do so, from the enjoyment of these offices, would be equally void. On these subjects the whole House has no right to prescribe rules to its individual members. Each one may judge for himself whether any particular individual is fit or unfit for the station to which he aspires; and he is accountable to no one for the vote he gives, but to his own constituents. It is not in the power of his co-representatives to compel him to vote for or against any man on account of the occupation or profession to which he belongs; if they attempt to do so they attempt a usurpation.

The foregoing observations are equally applicable to all professions in society. On what ground can we draw a distinction against editors or conductors of newspapers? They are eligible, by the constitution, to the highest office in the gift of the people. They are frequently elected to the Senate and House of Representatives. All the offices in the State Governments are thrown open to them. Our Speaker and Clerk may both be editors; so may the Sergeant-at-arms and Doorkeeper. By what authority shall we undertake, without a trial, to reduce them to a level with criminals, who have been adjudged guilty, and disqualified from holding any office of honor, trust, or profit, under the United States? Whilst every other office and agency in the House may be filled by an editor, the place of printer to the House is to be closed against him for ever. Suppose a law, or resolution, to exist, authorizing the election of a printer to the House, by a majority of votes, and excluding editors; does any one believe that, if an editor were elected, he could not hold the office? If we can exclude them on this ground, we can exclude any other profession from other stations; we can disfranchise all who reside in a certain district of country, who are of a certain age, or who hold particular religious or political doctrines. The truth is, that, in all these questions, the will of the voter, exercised within the constitutional rule, is the law to himself; and no one, and no number, of his co-representatives have the right or the power to direct or to bind him. If he believes the occupation of an editor, or manager of a newspaper, disqualifies a man for any given office or appointment, he may rightfully vote for a person of some other class or occupation; and is responsible, for his acts and his reasons, to those who clothed him with authority. But there can be no sound reason urged, as your committee believe, for selecting the editorial corps from all other professions, and reducing them to a degraded caste in the community.

The exclusion of editors from office or employment would be not only contrary to the spirit, if not to the letter of the constitution, but it would, also, be unjust and impolitic. To demonstrate this, we may inquire, who are these men whom it is proposed to degrade by this disqualification?

That the art of printing has done more to enlighten and exalt the human mind than all other arts together, will perhaps be denied by no one who has taken the trouble to investigate the history of his race. Its discovery forms an era in human annals. Beyond it, all is dreary and obscure, except here and there a bright spot, to relieve the eye from the painful contemplation of a darkness so universal. Art and science, it is true, had made considerable progress in some favored communities; but a knowledge of the discoveries and improvements upon which we delight to dwell was confined to a fortunate few, who, however they might have been inclined to disseminate what they knew, had it not in their power to effect an object so full of patriotism and benevolence. The living mass that makes up all of what is denominated either savage or barbarous nations, and constituted a vast majority of the most highly cultivated nations of antiquity, were doomed to perpetual ignorance and degradation in the moral world. No mode of escape could be devised for them. Books were scarce: the process of multiplying them by copies, the work of clerks, and the enormous prices consequent upon this mode of multiplication, must for ever have shut out a large majority of such nations from the principal source of mental improvement.

Printing, at a single blow, demolished these barriers. It threw open all the doors of the temple, and permitted the poor and the ignorant to walk in unmolested, to gaze upon the resplendent beauties that adorned its walls, and to bear off the invaluable treasures that filled its courts—treasures that were the accumulation of ages, and which, till that moment, had been totally concealed from the eye of the multitude. A great moral revolution was effected, as in the twinkling of an eye. Before that period, kings, nobles, and governors, were every thing, and the people nothing. From that period, the people became every thing, and kings, nobles, and governors, nothing. The literal existence of this contrast, of this astonishing transformation, it is true, has not been yet realized; but the work has been going on. The rays of light are falling upon the most benighted regions; the force of truth is breaking through all opposition; and the period is not far distant when man will stand forth in the freedom, the dignity, and majesty of his nature, liberated from the shackles that have so long degraded both body and soul; when the people will be completely sovereign; and an enlightened public opinion shall be the only rule of action to all in authority, from the highest to the lowest station. This time will come; and this will be the work of the Press.

Ought this great moral engine to be free? Whatever difference of opinion may have existed elsewhere upon this subject, there seems to have been none among our ancestors. A censorship of the press has been established under most if not all the tyrannical Governments of Europe. The Court of Rome set the example, in the latter part of the 15th century; other despotic Governments adopted the principle, and made the press propagate such opinions and sentiments only as suited the views of those who controlled its movements. No work of any kind could see the light, but such as had been licensed by the Government. The people, so far from being blessed by the art, which seemed to have been invented for their use alone, were not only deprived of its benefits, but had its immense power turned against them, and their country flooded with doctrines and opinions calculated to rivet their chains more firmly, and to doom them to a perpetual servitude. To the honor of our ancestors, be it known that this censorship of the press was first abolished in England. This great event took place in the year 1694. Since that time, the English press has been free. A censorship is unknown in this country. The lofty spirit of American liberty would trample upon an effort to limit the freedom of discussion. Truth courts investigation, and he who fears it is generally conscious that the truth is against him.

Freedom of speech and of the press are one and the same thing. In a small community, all may assemble for deliberation, and each hear what the other has to advance for the general good. This was the case in some of the ancient republics. But in a large country this cannot be; and resort must be had to the press for the circulation of facts and opinions that are connected with the public interests. The freedom of speech, enjoyed by members of this House, would be of little avail, if they were not allowed to print and circulate their sentiments among their constituents, and in the country at large. Errors, indiscretions, corruptions, and usurpations, might exist to an alarming extent, yet reform would be utterly hopeless. Before a reform can take place in the legislation or administration of a free Government, we must first reform public opinion. How is this to be done, unless the people can be approached through the aid of the press, and induced to read and consider the productions of those who are laboring for the public welfare?

The history of the world, for the last century, scarcely furnishes an instance of a revolution in Government that has not been produced, in a good degree, by the genial influence of the press. In some cases the books and pamphlets, and in others the newspapers, have wrought a change in public opinion, that has been followed up by civil commotions, tending to enlarge the privileges of the people. Uniformly, the newspapers presses have led off in favor of liberal principles. Witness the recent revolution in France and Belgium. Whenever any portion of the press lags behind, it is in the pay and under the control of individuals whose interests are adverse to those of the majority. Left free, it goes with the people, as certainly as water seeks to find its level.

A great deal has been said of the licentiousness of the press; but not a charge can be made against it that does not apply in principle to the printers and publishers of books, and to the freedom of speech. Do the public journals abuse their liberty? So do those who print pernicious books and circulate scandalous reports. Do the newspapers defame great and good men? So do the others; and often in a more permanent and dangerous form. Have they condemned sound doctrines in ethics and politics, and maintained principles that must overthrow all Government, and resolve society into its original elements? Books and orators do the same thing, in a more seductive and effectual manner. It is impossible to separate them. To condemn one is to pass sentence against the others.

If the press has a great influence in the formation and communication of opinions, is it not all-important that we should elevate and purify it by all the means in our power? This can never be done by proscription. All experience proves that men of talents and virtue, who have a desire for distinction, will select that path which is most likely to lead them to their object. Do we desire to see men of high character and splendid talents engaged in conducting the periodicals of our country? Render the profession honorable. To degrade it is to drive them from it, and to abandon your public press to the superintendence of incompetent and unprincipled individuals, wholly unworthy of so high a trust. There is a great deal of the odium of the profession attaches to each member of it, honest and pure as he may be; and perhaps there is no position in society where it is so difficult for a man to retain a pure character as at the editorial desk. If this be true, does it not follow that there is no one in which a character so preserved more richly deserves the public approbation? A man who becomes an editor makes himself a target for the arrows of detraction, and an object of blackening abuse; and if it be difficult in this situation to maintain perfect purity of character, it is still more difficult to make it appear so. The resolute advocates of free principles, in all ages, whether acting as orators, statesmen, or editors, have been objects of brutal attack by the minions of power and corruption. When an individual, in either character, has endured the fiery ordeal for a series of years, and has come out of the contest unscathed by the bolts of his enemies, is it just to tell him that his very toils and sacrifices in the cause of liberty have disqualified him to enjoy its honors, and that he must be content to take his station among those who have been convicted of moral treason, or branded as public malefactors?

The existence of bad men among editors will not justify their proscription as a class; for the same thing may be justly alleged of all other classes. Kings knew how to conciliate the orators of ancient Greece, and to mislead the people by the instrumentality of those to whom they looked for instruction. In modern times, ambitious men and rich corporations have discovered the means of making editors and presses subservient to their designs. But the poison secretly infused into the fountains whence a confiding people had been accustomed to drink information, has found its antidote in the pure streams that flow from other sources. It is thus that the health and vigor of the body politic have been preserved, verifying the remark of a distinguished patriot, "that error may be tolerated, when reason is left free to combat it."

It would be unjust to exclude editors and owners of newspapers from offices generally, it would be peculiarly so to cut them off from employments naturally connected with their business. A large portion of the editors in the United States own, either in whole or in part, the establishments which are under their control. Subscriptions constitute but a part of the means by which they are supported. The rest is made up of advertisements and job printing for individuals, corporations, the State Governments, and the United States. If deprived of these latter sources of emolument, a great number, perhaps one-half, of the editors in the United States, who are owners of presses, would be obliged to stop them, and the rest would be essentially crippled in their means. It is not just to them, since they have entered upon business with an open field, now to exclude them from a fair competition for this work. It would operate upon them as the grant of a monopoly does upon the rest of the community; it would cut off one branch of their legitimate business, and force them to carry on the remainder under disadvantages which did not exist when they commenced.

A more impolitic measure could not be adopted, with regard to the purity of the press, than the one now proposed. The pecuniary independence of editors is one of the surest guarantees of their political independence. It requires no labored argument to prove that, if editors become dependent upon rich men and powerful corporations for support, they will naturally incline to promote the objects of those from whom they receive gratuities and loans. Relying upon individuals who sustain it by their pecuniary means, the press submits to their censorship, speaks their sentiments, obeys their commands, and ministers to their vengeance. Those who seek to mantain the independence of the press should rather increase its honest emoluments than diminish them; because, in the same proportion as editors are made poor, and rendered dependent upon the rich and designing, in the same proportion will they become the instruments of a sinister ambition. To prevent this, which must be considered one of the greatest disasters that could befall a free people, we must encourage virtue and intellect in the profession, by holding out the same inducements to them which are presented to all other classes. The controlling patronage of individual and corporate wealth should be counterpoised by the patronage of public honors, public offices, and public esteem.

Editors who advocate liberal principles, under kingly Governments, are kept poor by fines, and intimidated by prosecutions and imprisonment. What is the difference, in effect, if we attempt to keep them poor by depriving them of their legitimate business, and treating them as criminals, by a proscription from honorable and profitable employments? If arbitrary power be successful in Europe, editors there will become the mere creatures of kings and nobles; if we drive them from honorable and profitable employments in this country, editors here will become the supple tools of rich, aspiring men, and designing combinations. If we thus degrade the profession, talents, virtue, and patriotic ambition, will seek rewards through other channels. The press, abandoned by those who ought to cherish and ennoble it, utterly degraded and corrupt, will only speak to the people to mislead them, or, at the best, will become so insignificant and powerless as to oppose no barrier to the approaches of despotism.

The existence of a few bad men in the craft, as before remarked, does not justify the exclusion of all. This House, and the people themselves, are fully able to discriminate, in each individual case, between the corrupt instrument and the independent patriot. If an editor, who has sold his principles and degraded his noble profession, or one who is steeped in debauchery and reeking with vice, or whose daily sheet is a daily libel upon all that is virtuous, liberal, and patriotic, should present himself for preferment, it is presumed there will always be virtue enough left among us to treat him with that scorn and contempt which his crimes against society and the republic so richly merit. But if one should appear before us, who, through all the storms of party strife, has maintained a private character pure and unsullied; who, whilst showers of libels have been poured upon him, has spoken the truth without fear; whose only fault is the frankness with which he exposes the errors of his friends; who regards no denunciations, cowers at no threats, and shrinks from no violence, ever devoted to the cause of liberty, the principles of the constitution, and the welfare of his country—if such a one presents himself for a place of honor, trust, or profit, is it either just or politic to inform him that he belongs to a degraded class, whom it is the will of the representatives of the people to disfranchise and proscribe? If the representatives of the people were so unjust and so cruel to a public benefactor as to thus reject him, ought not the people to espouse the cause of a faithful sentinel, and to liberally reward him for the fearless manner in which he has guarded their rights and advocated their interests? That they would do so, no one can doubt, who knows and appreciates the justice and generosity of the American character.

Much has been said recently of the corrupt state of the party press of this country. It has become a common topic of remark, and the truth of the charge is admitted by an almost universal acquiescence. Very few will admit, however, that the press of their party is corrupt! It is the antagonist press of which they all complain. A like observation is applicable to public men; they are accustomed to pour out their denunciations against the press in the most unlimited profusion. But it is usually the press that abuses them or their friends. No public man abuses a paper that bestows generous and constant praises upon him, and as constantly denounces his rivals and enemies. But, in truth, a great deal of what is called slander, in party times, consists merely in the difference of opinion expressed by editors of different presses—a difference that must always prevail in a free country. Two great parties exist in the community; each one has its statesmen, orators, and presses; they each maintain their doctrines and opinions, and denounce the systems and theories of their antagonists; each side warns the people to guard themselves against a party that entertains such pernicious doctrines, and against public men who are blind to the public interest, and willing to sacrifice the general good to promote their own personal aggrandizement. The people hear all, weigh all, and decide upon all; but, in the mean time, the leaders and organs pronounce their opponents to be a set of worthless calumniators. It may well be said, therefore, that if the press abuses politicians, they, in turn, abuse the press in the most bitter and vehement terms, and, upon the whole, the account is nearly balanced. In the contest which is thus carried on, abuses are revealed, facts are disclosed, theories are exploded, criminals and peculators are dragged to light, and important reforms are effected in the administration of public affairs. However unpleasant the controversy may be to the persons directly concerned, the people are generally the gainers by these searching though disagreeable investigations.

But what is a "party press?" It is in all other respects a common newspaper, except that, upon particular questions which divide political parties in the country, it takes sides one way or the other. Its columns are necessarily filled with other matter to a very great extent. In general politics it agrees with all other papers, advocating the right of mankind to personal and political freedom, and the superiority of republican to all other forms of government. The various interests of society, agricultural, commercial, and manufacturing, receive their due share of attention. Modern discoveries in science, and the stirring events of our own and of foreign countries, are grouped together and presented daily or weekly to us in the shape of news. Is all this to be discouraged and discountenanced? For what? The answer is, because the editor or owner exercises the privileges claimed by every other individual in the community, of sustaining one side of the great party questions which agitate the republic. Such an outrage upon the freedom of discussion could not be tolerated in this country for a moment. Its parallel can be found only in the celebrated sedition law, to which it bears a strong affinity. That law aroused the indignation of a whole people, and powerfully contributed to the overthrow of the political party that advocated its principles, and enforced its odious provisions.

If this proscription of classes is to be introduced, where is it to end? May it not next be alleged that farmers and mechanics are not fit for public office? May not the same principle apply to lawyers? They live by litigation; and it may be said that they have an interest in making laws obscure and equivocal, and ought, therefore, to be excluded from all legislative bodies. Upon the same principle that it is proposed to exclude editors from the employment of public printing, lawyers might be excluded from judicial appointments, for which their studies and business have peculiarly qualified them. Such a sentence of condemnation would be considered an act of singular injustice towards that large and respectable body of citizens. Let each class apply the principle to themselves, and they will at once perceive how unjust and impolitic is the proposed exclusion and disfranchisement of the owners and conductors of public journals.

The only plausible ground on which the present proposition is attempted to be maintained is, that the public patronage ought to be given to practical printers. This argument is more plausible than sound. When practical printers become owners and managers of the press, and able advocates of the cause of liberty, they, like all others, deserve to be honored in proportion to their merits. The man who raises himself, by the force of his own genius, and untiring industry, from a mechanical occupation to a place among statesmen and philosophers, and devotes his increased influence to the cause of freedom, deserves to be doubly honored by mankind; and, in selecting public servants, the people will never forget him, or overlook his claims. Our own Franklin is an illustrious example. But when practical printers, the owners or managers of large establishments, undertake jobs for private citizens, or for the State or Government, they necessarily perform the work by the hands of others. The contract is not executed by the manual labor of the owner or manager. His capital, his journeymen, and apprentices, perform the agreement, and entitle him to the proceeds, according to the stipulations of his employers. Whether the undertaker be a practical printer or not, whether he be the owner or editor of a newspaper or not, is a matter of no importance to the craft. In either case, he is but the channel through which they who perform the labor receive their compensation. In either case, the contract is mainly for the benefit of the practical printers; for the proceeds of the work, after making due allowance for the editor's capital and responsibility, are chiefly paid over to them. They derive employment from the contract; and if the price paid for its fulfilment be but a just remuneration, their profits, in proportion to their investment, are as great as those of the contractor. The practical printer, therefore, has now the same public patronage given to other classes of men. He desires no more; and if he did, he ought not to receive it. It may sometimes happen that a practical printer should receive the preference over a mere editor; but that is a matter for individual consideration when the case occurs. It forms no argument for the exclusion of the whole class to which the latter belongs. The constitution, as well as justice and sound policy, demands that all appointments shall be open to every class and to every citizen, that equality may be preserved and merit rewarded, whether found at the plough or the plane, the hod or the anvil, the desk or the mortar, the bar or the press. The only distinction acknowledged in our political system should be the honors and rewards which are voluntarily bestowed upon eminent talents, patriotic zeal, and public and private virtue.

All attempts to degrade the press in this country, whilst it is persecuted or silenced under the arbitrary Governments of the old world, are calculated to excite alarm. If the time shall ever come when its owners and conductors are proscribed from places of honor, trust, and profit, and denied even the privilege of taking contracts upon the same terms as other men, there will soon be neither honesty nor honor in its management. It will become a false guide to the people; the instrument of the rich and unscrupulous, to destroy the poor and honest; the hired advocate of those who are able to pay its price; until destroyed in the public esteem by its want of character, truth, and independence, it will sink into general contempt, leaving the people without those means of information which now enable them to detect falsehood, baffle corruption, and maintain their rights and liberties against every attempted encroachment.

Your committee are of opinion that the better mode of procuring the public printing to be done is to employ, either by election or by contract, persons of known fidelity and punctuality in the performance of their agreements, and to regulate and supervise the prices and execution of the work, so as to prevent all possible imposition. When these preliminary measures have been adopted, we shall be perfectly safe, not only to admit but to invite competition from all classes of men in the community. No fears need be entertained for the stability of our institutions, or the purity of the press, from the employment of owners and editors of public journals. Indeed, there would seem to be some propriety in extending the patronage of the people, through Congress, to such editors as have distinguished themselves by the advocacy of liberal principles and popular rights. There are cogent reasons why, other circumstances being equal, or nearly so, such men should receive preferment. The aristocracy of a free country founds all its pretensions upon superior wealth. No other distinction can be obtained for them; and, seizing upon this, they look down upon their poorer neighbors with an arrogance and contumely proportioned to the extent of their possessions. These men can always establish and support journals of their own. They have the pecuniary means to do so, but the poorer classes of society have not. An editor who boldly and ably resists the influence which is unceasingly at war, either openly or secretly, with the great body of the people, deserves the rewards and the emoluments that should always crown the labors of a public benefactor. In private life, he who does not regard and promote the interest and happiness of his friend, when it is in his power, does not deserve to have a friend. How can the people expect that editors will endure persecution, poverty, and calumny, in their cause, if the friendship thus manifested is repaid with indifference and neglect? What is true among individuals is true as to the whole body politic. A permanent policy, so cruel and ungrateful, would, in all probability, be followed by the prostration and bankruptcy of many able and eloquent defenders of civil liberty. No; to serve the cause of our country is to reward its defenders; and to promote the interest of the people is to sustain and patronise the men who ardently and ably maintain those interests.

No sound reason has been suggested for changing our laws or rules, with regard to public printing, at this particular period. No such proposition was submitted, two years ago, when the present printers to the House were elected. No fact has occurred within the last few years that would justify the proposed alteration. It is not probable that contracts of a more extravagant character are made with editors and owners of newspapers than with other men. There has been no agreement made by the House with any editor, for printing, that can be compared for enormity and extravagance to the one made by Congress with Clarke & Force for collecting and printing a documentary history of the United States. It is believed that, if the work under this contract is not suspended by Congress, it will result in an expenditure of four or five hundred thousand dollars. If these contractors had obtained such a hold upon the treasury as editors, there might, indeed, be some plausibility in proposing to guard against that class for the future. Such is not the fact. The only safeguard against these things is to be found in the wisdom and discretion of the members of the House, and in the responsibility they owe to their constituents.

Finally, believing, as your committee do, that the proposed exclusion would be unjust and impolitic; that it would be contrary to the spirit if not to the letter of the constitution; that it would introduce a new principle into our Government, the tendency of which would be to build up one set of men and depress another; to establish privileged orders and degraded castes in society, they recommend the adoption of the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

LAWS OF THE UNITED STATES,

PASSED AT THE SECOND SESSION OF THE TWENTY-THIRD CONGRESS, COMMENCING DECEMBER 1, 1834, AND ENDING MARCH 3, 1835.

[No. 1.]—**AN ACT for the relief of the legal representatives of John Mullowny.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be authorized to allow, in the settlement of the accounts of John Mullowny, deceased, late consul of the United States at the port of Tangier, in the empire of Morocco, such charges for presents made by said consul, in the years eighteen hundred and twenty-seven and eighteen hundred and twenty-eight, as have been suspended for want of vouchers; also a pro rata allowance for presents from the date of the last accounts rendered by said consul until the time of his death, and a balance of the contingent expenses of the consulate, from July, eighteen hundred and twenty-nine to July, eighteen hundred and thirty.

JOHN BELL,
Speaker of the House of Representatives.
M. VAN BUREN,
Vice President of the U. S. and President of the Senate.
Approved, January 8, 1835:
ANDREW JACKSON.

[No. 2.]—**AN ACT making appropriations for the current expenses of the Indian department for the year one thousand eight hundred and thirty-five.**

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the current expenses of the Indian department for the year one thousand eight hundred and thirty-five, viz:

For the pay of the Superintendent of Indian Affairs, and the several Indian agents, as provided for by the act of thirtieth of June, one thousand eight hundred and thirty-four, fifteen thousand dollars.

For the pay of sub-agents, allowed by the same act, ten thousand five hundred dollars.

For the pay of interpreters, allowed by the same act, seven thousand five hundred dollars.

For presents to Indians, authorized by the same act, five thousand dollars.

For the purchase of provisions for Indians, at the distribution of annuities, while on visits of business with the superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars.

For the necessary buildings required at the several agencies, and repairs thereof, two thousand dollars.

For postage, stationary, and rent and fuel for offices, as authorized by the act of June thirtieth, one thousand eight hundred and thirty-four, three thousand dollars.

For contingencies of the Indian department, four thousand dollars.

Approved, January 27, 1835.

[No. 3.]—**AN ACT making an appropriation for the completion of the military barracks at New Orleans.**

Be it enacted, &c., That the sum of one hundred and seven thousand five hundred dollars be, and the same is hereby, appropriated and made payable out of any money in the treasury not otherwise appropriated, for the completion of the barracks at New Orleans, under the direction of the Secretary at War.

Approved, January 27, 1835.

[No. 4.]—**AN ACT making appropriations for the support of the army for the year one thousand eight hundred and thirty-five.**

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the support of the army for the year one thousand eight hundred and thirty-five, that is to say:

For the pay of the army, nine hundred and eighty-seven thousand and forty-five dollars.

For subsistence of officers, three hundred and fourteen thousand eight hundred and ninety-nine dollars.

For forage of officers, sixty thousand three hundred and thirty-one dollars.

For clothing for officers' servants, twenty-four thousand eight hundred and ten dollars.

For subsistence, exclusive of that of officers, in addition to an unexpended balance of seventy-five thousand dollars, the sum of three hundred and forty-one thousand seven hundred dollars.

For clothing of the army, camp and garrison equipage, cooking utensils, hospital furniture, &c. &c., one hundred and fifty-four thousand three hundred and eighty-seven dollars.

For the medical and hospital department, thirty-one thousand five hundred dollars.

For various expenses in the quartermaster's department, viz: fuel, forage, straw, stationary, blanks, and printing; repairing and enlarging barracks, quarters, storehouses, and hospitals, at the various posts; erecting temporary cantonments at such posts as shall be occupied during the year, including huts for the dragoons, and gun-houses at the Atlantic posts and those on the Gulf of Mexico, with the necessary tools and materials; providing materials for the authorized furniture of the rooms of non-commissioned officers and soldiers; rent of quarters, barracks, and storehouses, and of grounds for summer cantonments and encampments, including a farm at Fort Monroe for military practice; postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers, under an act of Congress of the second March, eighteen hundred and nineteen; expenses of expresses from the frontier posts, of escorts to paymasters, hire of laborers, compensation to extra clerks in the office of the quartermaster general, and in the offices of the quartermasters and assistants at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; coffins and other articles necessary at the interment of non-commissioned officers and soldiers, and purchase of horses, and various other expenditures necessary to keep the regiment of dragoons complete, in addition to an unexpended balance of twenty thousand dollars, the sum of three hundred and twelve thousand dollars.

For the allowance made to the officers for the transportation of their baggage, when travelling on duty, without troops, and allowances to offices on topographical duty, and superintending working parties, fifty-three thousand dollars.

For transportation of clothing from the depot at Philadelphia to the stations of the troops, of subsistence from the places of purchase and points of delievery, under contracts, to the posts where they are required to be used, of ordnance, from the foundries and arsenals to the frontier posts and the fortifications, and lead from the western mines to the several arsenals; transportation of the army, including officers, when removing with troops either by land or water, freight and ferriages, purchase or hire of horses, oxen, mules, carts, wagons, and boats for transportation of troops and supplies, and for garrison purposes; drayage and cartage at the several posts, hire of teamsters, transportation of funds for the pay department, the expense of sailing a public transport between the several posts on the Gulf of Mexico, and procuring water at such posts as from their situation require it, the sum of one hundred and thirty-eight thousand dollars.

For contingencies of the army, ten thousand dollars.

For the national armories, three hundred and thirty thousand dollars.

For armament of new fortifications, one hundred thousand dollars.

For arsenals, ninety-four thousand three hundred and thirty-four dollars.

For the current expenses of the ordnance service, sixty-eight thousand four hundred dollars.

For arrearages prior to the first of July, eighteen hundred and fifteen, payable through the office of the Third Auditor, in addition to an unexpended balance of three thousand two hundred and seventy-nine dollars and seventy-four cents, the sum of two thousand dollars.

For arrearages between the first of July, eighteen hundred and fifteen, and the first of January, eighteen hundred and seventeen, payable through the office of the Second Auditor, one thousand five hundred dollars.

For payments in lieu of clothing to discharged soldiers, thirty thousand dollars.

Sec. 2. *And be it further enacted,* That of the balance of thirty-eight thousand three hundred and seventy-nine dollars and fifty-two cents, which now stands to the credit of "bounties and premiums," on the books of the Treasury, appropriated for the service of eighteen hundred and thirty-three, and which is not wanted for that object, in consequence of the change made in the mode of enlisting, by the act of second March, eighteen hundred and thirty-three, the sum of fifty-four dollars be, and the same is hereby, directed to be transferred to the credit of "two months' extra pay, per act of second March, eighteen hundred and thirty-three;" and the sum of seventeen thousand six hundred and sixty dollars to the credit of "expenses of recruiting," to be used for the recruiting service of one thousand eight hundred and thirty-five.

Approved, January 27, 1835.

[No. 5]—**AN ACT** making appropriations for the payment of revolutionary and other pensioners of the United States, for the year one thousand eight hundred and thirty-five.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated, for the pensioners of the United States for the year one thousand eight hundred and thirty-five:

For the revolutionary pensioners, under the several acts prior to that of the 7th June, one thousand eight hundred and thirty-two, in addition to an unexpended balance of two hundred and seventy-three thousand and five dollars and fifty-three cents, the sum of four hundred and fifty-eight thousand nine hundred and ninety-nine dollars and forty-seven cents.

For the invalid pensioners, under various laws, in addition to an unexpended balance of sixty-nine thousand seven hundred and twenty-five dollars, the sum of two hundred and forty-one thousand two hundred and nineteen dollars.

For pensions to widows and orphans, in addition to an unexpended balance of three thousand five hundred and eighty-four dollars and forty-nine cents, the sum of two thousand five hundred dollars.

Approved, January 27, 1835.

[No. 6.]—**AN ACT** to allow further time to complete the issuing and locating of military land warrants during the late war.

Be it enacted, &c., That the act entitled "An act to allow further time to complete the issuing and locating of military land warrants," approved the twenty-sixth day of May, one thousand eight hundred and twenty-four, and also the operations of the act approved the twenty-fourth day of February, one thousand eight hundred and nineteen, which, by said act of one thousand eight hundred and twenty-four is revived, be, and the said acts are hereby, extended and continued in force for the term of five years from and after the twenty-sixth day of May last.

Approved, January 27, 1835.

[No. 7.]—**AN ACT** to extend the time of issuing military land warrants to the officers and soldiers of the revolutionary army.

Be it enacted, &c., That the time allowed for issuing military land warrants to the officers and soldiers of the revolutionary army shall be extended to the first day of January, eighteen hundred and forty.

Approved, January 27, 1835.

[No. 8.]—**AN ACT** for the relief of the heirs of Evan Edwards.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to issue a duplicate warrant to the heirs at law of Major Evan Edwards, for four hundred acres of land, in lieu of warrant numbered twelve hundred and five, issued on the ninth of February, eighteen hundred and twenty-seven, and which is alleged to have been lost.

Approved, January 27, 1835.

[No. 9.]—**AN ACT** for the relief of Tuffs and Clark.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to pay unto Tuffs and Clark, of New Orleans, out of any money in the treasury not otherwise appropriated, the sum of one thousand and seventy-five dollars and three cents, being the amount of a parcel of sugars seized at New Orleans, and paid into the United States treasury, but afterwards restored by the decision of the United States Supreme Court.

Approved, January 27, 1835.

[No. 10.]—AN ACT for the relief of Francis Lasselle and others, Michigan volunteers.

Be it enacted, &c., That the Third Auditor of the Treasury audit and adjust the claims of Francis Lasselle, and of the other officers, non-commissioned officers, musicians, and privates, who enrolled themselves as a part of a quota of fifty thousand volunteers, under the act of February sixth, one thousand eight hundred and twelve, and elected Hubert Lacroix captain of said company; and to allow to the said Francis Lasselle, and to the other officers, non-commissioned officers, musicians, and privates, so enrolled, and who were in the service of the United States under said enrolment, such further sum as they are entitled to, by extending to them the provisions of the act of February sixth, eighteen hundred and twelve, authorizing the President of the United States to accept the services of fifty thousand volunteers, so that said company be on the same footing of equality with the volunteers of Ohio.

Sec. 2. *And be it further enacted*, That the several sums so found due be paid out of any money in the treasury not otherwise appropriated, to the claimants, if living, or to their representatives, if dead.

Approved, January 27, 1835.

[No. 11.]—AN ACT for the relief of William P. Zantzinger, purser in the navy of the United States.

Be it enacted, &c , That the proper accounting officers of the Treasury Department be, and they hereby are, authorized and required to allow to said Zantzinger, on settlement of his account, an additional credit of two thousand five hundred and seventy dollars and seventy-six cents, being the difference between the cost of certain purser's stores left on the hands of said Zantzinger on the fourth of October, one thousand eight hundred and twenty-nine, when he was suspended from duty on board the United States ship Natchez, and the nett amount of sales of the same stores at Norfolk after the arrival of said ship at that port.

Approved, January 27, 1835.

[No. 12.]—AN ACT for the relief of Humphrey B. Gwathmey.

Be it enacted, &c., That the collector of the port of Baltimore be authorized and required to issue a certificate of debenture to Humphrey B. Gwathmey, of the firm of Roy and Gwathmey, for the amount of drawback of duties on one hundred and eighty-two bales of cotton imported into the port of Baltimore on the twenty-fifth day of October, eighteen hundred and thirty-three, in the schooner Silas Wood, from Santa Martha, and shipped for exportation to Liverpool, in the following month of November, on board the British barque Grace.

Approved, January 27, 1835.

[No. 13.]—AN ACT for the relief of Robert Haile.

Be it enacted, &c , That the Secretary of War be, and is hereby, authorized to issue to Robert Haile a land warrant for three hundred and twenty acres of land in lieu of warrant number sixteen, issued on the sixth March, eighteen hundred and seven, in favor of Thomas F. Howard, under the act of third March, eighteen hundred and seven, entitled "An act making compensation to Messieurs Lewis and Clark and their companions;" which warrant was afterwards assigned to Robert Haile, and appears to have been lost.

Approved, January 27, 1835.

[No. 14.]—AN ACT for the relief of Samuel Bragdon, David Chase, and the crew of the schooner Halcyon.

Be it enacted, &c., That the collector of the customs in Newburyport, State of Massachusetts, is hereby authorized to pay to Samuel Bragdon, David Chase, and the officers and crew of the schooner Halcyon, which was lost at sea, to be distributed according to law, the same sum said vessel would have been entitled to receive as a bounty or drawback if she had safely arrived in port; having complied with all the requirements of law necessary to receive such bounty or drawback for having been engaged four months or more in the cod fishery.

Approved, January 27, 1835.

[No. 15.]—AN ACT for the relief of Charles Gordon and the crew of the schooner Two Sons.

Be it enacted, &c., That the collector of the customs for the district of Belfast, in the State of Maine, is hereby authorized to pay to Charles Gordon, owner of the fishing schooner Two Sons, of seventy-five tons burden, and to the persons composing her late crew, such allowance, to be distributed according to law, as they would have been entitled to receive had she completed her fishing term; the said schooner having been driven on shore in a gale, by which she was prevented from accomplishing the full term required by law to entitle her to the bounty.

Approved, January 27, 1835.

[No. 16.]—AN ACT for the relief of Samuel S. Lord and the owners and crew of the fishing schooner Mary and Sally, of York, in the State of Maine.

Be it enacted, &c., That the collector of the customs for the port of York, in the State of Maine, is hereby authorized to pay to Samuel S. Lord, master, and the owners and crew of the fishing schooner Mary and Sally, to be distributed according to law, the same said vessel would have been entitled to receive as a bounty or drawback, if she had been actually at sea during the whole time required by law to be entitled to said bounty, she having been lost before she had accomplished her full term required by law.

Approved, January 27, 1835.

[No. 17.]—AN ACT for the final adjustment of claims to lands in the State of Louisiana.

Be it enacted, &c., That any person or persons having claims to lands in the State of Louisiana, whose claims have been recognised by former laws as valid, but which have not heretofore been confirmed to the grantees or their legal representatives, be, and they are hereby, authorized to present their claims to the register and receiver of the land office in which the land may lie, within two years from the passage of this act, together with the written and other testimony in support of the same; and it shall be the duty of the register and receiver to record in a book, to be kept by them for that purpose, the notice of every claim so preferred, together with the evidence in support of the same; and the said register and receiver are hereby further authorized to receive any evidence for and on behalf of other individuals who may resist the confirmation of any such claim, either on their own behalf or that of the United States, and cause to be taken any evidence which shall be deemed necessary and proper by them to have such claim properly and justly settled, and to have the same likewise recorded in said book; for which service, in recording the applicant's title papers and evidence, they shall be entitled to receive from said applicant at the rate of twenty-five cents for every hundred words.

Sec. 2. *And be it further enacted,* That it shall be the duty of the registers and receivers of the land offices, at or before the beginning of each session of Congress thereafter, to make to the Secretary of the Treasury a report of the claims which may have been presented before them, together with the testimony, accompanied by their opinions of the validity of each claim, and such other information respecting them as may be in their possession, which said report shall, by the Secretary of the Treasury, be laid before Congress as soon as practicable, with the opinion of the Commissioner of the General Land Office, touching the validity of the respective claims.

Approved, February 6th, 1835.

[No. 18.]—AN ACT for the relief of Colonel John Eugene Leitensdorfer.

Be it enacted, &c., That the Secretary at War be, and he is hereby, directed to issue a land warrant to Colonel John Eugene Leitensdorfer, for three hundred and twenty acres; which warrant may be located with any register of the land offices in the State of Missouri, on any public land subject to entry at private sale, and the said location may be made in parcels, conformable to sectional subdivisions.

Sec. 2. *And be it further enacted,* That the proper accounting officers of the Treasury be, and they are hereby, directed to settle the accounts of Colonel John Eugene Leitensdorfer, and to allow him the pay and emoluments of adjutant and inspector general, with the rank of colonel of cavalry, from the fifteenth day of December, eighteen hundred and four, to the fifteenth of July, eighteen hundred and five, being the time he served as such in the forces of the United States in Egypt, and on the coast of Africa, his transportation from Alexandria to Derne, being estimated at six hundred miles, deducting therefrom the sum of two hundred and eighty dollars, heretofore paid him as captain of infantry for the same services; also to allow him three months' extra pay for his travelling expenses from the place of his discharge at Derne, on the Barbary coast, to his place of residence; which said sums shall be paid to him out of any money in the treasury not otherwise appropriated.

Approved, February 6, 1835.

[No. 19.]—AN ACT making appropriations for the naval service for the year one thousand eight hundred and thirty-five.

Be it enacted, &c., That the following sums be appropriated for the naval service for the year one thousand eight hundred and thirty-five, in addition to the unexpended balances of former appropriations, viz:

For pay and subsistence of the officers of the navy and pay of the seamen, one million five hundred and one thousand eight hundred and twenty-four dollars and forty-two cents.

For pay of superintendents, naval constructors, and all the civil establishments at the several yards, sixty-one thousand one hundred and eighty dollars.

For provisions, four hundred and fifty thousand dollars.

For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, nine hundred and seventy-four thousand dollars.

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, forty thousand dollars.

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, thirty-nine thousand nine hundred and twenty-five dollars.

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, ninety-nine thousand five hundred dollars.

For improvement and necessary repairs of the navy yard at Brooklyn, New York, forty-six thousand one hundred and twenty dollars.

For improvement and necessary repairs of the navy yard at Philadelphia, three thousand five hundred and twenty dollars.

For improvement and necessary repairs of the navy yard at Washington, ten thousand dollars.

For improvement and necessary repairs of the navy yard at Gosport, Virginia, one hundred thousand four hundred and fifty dollars.

For improvement and necessary repairs of the navy yard at Pensacola, forty-four thousand six hundred dollars.

For repairs of building and preservation of a vessel at Sackett's Harbor, five hundred dollars.

For ordnance and ordnance stores, fifteen thousand dollars.

For defraying the expenses that may accrue for the following purposes, viz:

For the freight and transportation of materials and stores of every description, for wharfage and dockage, storage and rent, travelling expenses of officers and transportation of seamen, house rent, chamber money, and fuel and candles, to officers other than those attached to navy yards and stations, and for officers in sick quarters where there are no hospitals, and for funeral expenses, for commissions, clerk hire, and office rent, stationary, and fuel, to navy agents, for premiums and incidental expenses of recruiting, for apprehending deserters, for compensation to judge advocates, for per diem allowance to persons attending courts martial and courts of inquiry, and for officers engaged on extra service beyond the limits of their stations, for printing and stationary of every description, and for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for purchase and repair of fire and steam engines, and for machinery; for purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for cabin furniture of vessels in commission, and for furniture of officers' houses in navy yards; for taxes on navy yards and public property; for assistance rendered to vessels in distress; for incidental labor at navy yards not applicable to any other appropriation; for coal and other fuel for forges, foundries, and steam engines; for candles, oil, and fuel, for vessels in commission and in ordinary; for repairs of magazines and powder houses; for preparing moulds for ships to be built, and for no other purpose whatever, two hundred and ninety-five thousand dollars.

For contingent expenses for objects not hereinbefore enumerated, three thousand dollars.

For pay of the officers, non-commissioned officers, musicians, and privates, and for subsistence of the officers of the marine corps, one hundred and sixty-six thousand seven hundred and forty-nine dollars and fifty-five cents.

For the subsistence of the non-commissioned officers, musicians, and privates, and washerwomen, of said corps, serving on shore, and for servants, thirty-three thousand five hundred and sixty-five dollars and sixty cents.

For clothing, thirty-eight thousand seven hundred and eleven dollars and twenty-five cents.

For fuel, fifteen thousand one hundred and sixty-six dollars.

For transportation and recruiting, six thousand dollars.

For medicines, hospital stores, surgical instruments, pay of matron and acting hospital steward, four thousand one hundred and thirty-nine dollars and twenty-five cents.

For contingent expenses, seventeen thousand nine hundred and seventy-seven dollars and ninety-three cents.

For military stores, pay of armorers, keeping arms in repair, drums, fifes, flags, accoutrements, and ordnance stores, two thousand dollars.

For repairs of barracks, three thousand dollars.

For completing the naval magazines authorized to be built near Boston, Massachusetts, and New York, for enclosing and providing convenient access to them, seven thousand five hundred dollars.

For completing the naval hospitals near Boston, New York, and Pensacola, building the necessary out-houses and appendages, and for enclosing them, twenty thousand seven hundred dollars.

For repair of the hospital near Norfolk, and its enclosures and dependencies, one thousand dollars.

For repairing enclosures and graduating the ground about the navy asylum near Philadelphia, three thousand five hundred dollars.

For completing the payments which will be due on contracts for iron tanks, made under the act of the tenth of July, one thousand eight hundred and thirty two, nine thousand dollars.

For continuing the survey of the coast of the United States, thirty thousand dollars.

For arrearages for defraying the extra services and expenses of the officers of the navy engaged in the survey of the coasts and harbors of the United States, for the year one thousand eight hundred and thirty, one thousand five hundred dollars.

For the purchase of a lithographic press for the Navy Department, and for expenses of the same for one year, one thousand dollars.

Sec. 2. *And be it further enacted*, That the following sums, being the unexpended balances of former appropriations, which have been carried to the account of the surplus fund, be, and the same are hereby, reappropriated, to be paid out of any unappropriated money in the treasury, viz:

For the purchase of timber to rebuild the frigate Java and the sloop Cyane, authorized by the act of July the tenth, eighteen hundred and thirty-two, the sum of forty-six thousand three hundred and thirty-two dollars and three cents.

For the purchase of iron tanks for the use of the navy, as authorized by the act of tenth of July, eighteen hundred and thirty-two, the sum of three hundred and fifty-one dollars and sixty-five cents.

For providing fixtures, furniture, and apparatus, for the navy asylum at Philadelphia, as authorized by the act of July tenth, eighteen hundred and thirty-two, one thousand three hundred and sixty-two dollars and thirty-three cents.

For covering and preserving ships in ordinary, as authorized by the act of March eleventh, eighteen hundred and thirty, two thousand six hundred and fifty-three dollars and eighty-eight cents.

Approved, February 13, 1835.

[No. 20.]—AN ACT for the relief of Silas D. Fisher.

Be it enacted, &c., That Silas D. Fisher, alias Silas Fisher, be, and he is hereby, authorized to locate the reservation of one section of land granted to him by the second article of the supplement to the treaty of Dancing Rabbit creek, made and entered into on the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty, between the United States of America and the Mingoes, chiefs, captains, and warriors of the Choctaw tribe of Indians, on any of the unimproved and unoccupied lands within the limits of that tract of country ceded by the said Indians to the United States by the treaty aforesaid, on such terms and conditions, and under such rules and regulations, as may be prescribed by the proper department of the Government, in similar cases arising under said treaty.

Approved, February 13, 1835.

[No. 21.]—AN ACT for improving the harbor at the mouth of the river Raisin, in the Territory of Michigan.

Be it enacted, &c , That the sum of thirty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the construction of a new entrance into the harbor, at or near the mouth of the river Raisin, where it unites with lake Erie, according to a plan and survey of the said works, made under the direction of the War Department by Capt. H. Smith, during the fall of the year eighteen hundred and thirty-four: *Provided, however*, That no part of the sum hereby appropriated shall be expended for improving the channel of said river, but the expenditure hereby directed shall be confined exclusively to the construction of a cut or passage from the lake to that part of the river which is to be used as a harbor for vessels.

Approved, February 24, 1835.

[No. 22.]—AN ACT for the completion of certain improvements in Florida.

Be it enacted, &c., That for the purpose of executing certain internal improvements, hereinafter designated, in the Territory of Florida, the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated:

For clearing out the Ochlawaha river, from St. John's to Glassall's Spring, near Camp King, for the transportation of provisions and military stores to the garrison at that place, as estimated in the report of the Quartermaster General, ten thousand dollars.

For opening a road from the head of Pensacola bay, by Pittman's ferry, on the Chatahawchie river to Webbville, four thousand dollars.

For continuing the improvement of the navigation of Chatahawchie river, from Cedar Bluff to the Big Spring, in Florida, according to the report of the assistant quartermaster charged with the superintendence of the removal of obstructions, two thousand dollars.

For removing obstructions in the Chipola river, in Florida, five thousand dollars.

Approved, February 24, 1835.

[No. 23.]—AN ACT to provide for the further compensation of the Marshal of the district of Delaware.

Be it enacted, &c., That the marshal of the district of Delaware shall be entitled to receive, in addition to the compensation now allowed by law, an annual salary of two hundred dollars, payable quarterly, out of any money in the treasury not otherwise appropriated.

Approved, February 24, 1835.

[No. 24.]—AN ACT supplementary to an act entitled "An act to authorize the inhabitants of the State of Louisiana to enter the back lands."

Be it enacted, &c., That the time given by the act to which this is a supplement, to the owners of lands bordering on any of the rivers, creeks, bayous, or other water courses, of the State of Louisiana, to become the purchasers, by preference, of the back tracts adjacent to those owned by them, be, and the same is hereby, extended one year from the fifteenth of June next.

Approved, February 24, 1835.

[No. 25.]—AN ACT to complete certain roads in the Territory of Arkansas.

Be it enacted, &c., That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury of the United States not otherwise appropriated, to complete the road leading from the southern boundary line of the State of Missouri, by Jackson, Little Rock, and Washington, to the town of Fulton, on the north bank of Red river; and that the further sum of fifteen thousand dollars be appropriated in like manner to complete the military road leading from Fort Towson, on Red river, to the northern boundary line of the State of Louisiana, in the direction of Natchitoches.

Approved, February 24, 1835.

[No. 26.]—AN ACT making additional appropriations for the Delaware breakwater, and for certain harbors, and removing obstructions in and at the mouths of certain rivers, for the year one thousand eight hundred and thirty-five.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any money in the treasury, not otherwise appropriated, for carrying on and completing certain works heretofore commenced, viz:

For improving the harbor of Chicago, in addition to the balance of former appropriations, thirty-two thousand eight hundred dollars.

For securing the works at Black river, four thousand four hundred dollars.

For continuing the improvement at Ashtabula creek, in addition to the balance of former appropriations, seven thousand five hundred and ninety-one dollars.

For securing the works at Presqu' Isle, in addition to the balance of former appropriation, five thousand dollars.

For completing the works at Genesee river, two thousand three hundred and ninety dollars.

For continuing the improvement of Big Sodus bay, eleven thousand seven hundred and ninety dollars.

For the preservation of the beach at Provincetown harbor, in addition to the balance of former appropriation, four thousand four hundred dollars.

For the preservation of Plymouth beach, seven hundred dollars.

For the breakwater at Hyannis harbor, in addition to the balance of former appropriation, nine thousand dollars.

For improving the harbors of Newcastle, Marcus Hook, Chester, and Port Penn, in the Delaware river, in addition to the balance of former appropriation, six thousand dollars.

For improving the navigation of the Savannah river, in removing the obstructions in said river from the city of Savannah to its mouth, in addition to the balance of former appropriations, twenty thousand dollars.

For improving the navigation of the Ohio river below the falls, and the Missouri, and Mississippi rivers, fifty thousand dollars.

For the improvement of the navigation of the Ohio river between Pittsburg and the falls of the Ohio, fifty thousand dollars, to be expended under the direction of the War Department, and under the care of a superintendent for that part of the Ohio.

For the Delaware breakwater, one hundred thousand dollars: *Provided*, That only so much of this sum shall be applied as in the opinion of the Secretary of War may be advantageously expended in the present situation of the said work.

For completing the improvement at the harbor of Mobile, in removing the bar at the entrance of the harbor, called the Choctaw Pass, in addition to the appropriation of ten thousand dollars made at the last session, seventeen thousand nine hundred and ninety-seven dollars and sixty cents.

For completing the removal of the obstructions to the navigation of Red river, in addition to the appropriation of fifty thousand dollars, made at the last session of Congress, the sum of fifty thousand dollars.

For improving the navigation of the Arkansas river, and for constructing a boat with an iron hull, forty thousand dollars.

For completing the improvement in the navigation of the Cape Fear river, below the town of Wilmington, North Carolina, twenty thousand dollars.

For constructing a dredging machine, and for completing the inland channel between St. Mary's and St. John's, in the Territory of Florida, according to the estimate of the Engineer department, fifteen thousand dollars.

For filling up with stone three hundred and fifty-two yards of the outer pier or breakwater at Dunkirk harbor, New York, one thousand four hundred and eighteen dollars and twenty-seven cents.

For extending and completing the pier or breakwater in front of said harbor, nine thousand five hundred and seventy dollars and sixteen cents.

Provided, That no officer of the army shall receive any per cent. or additional pay, extra allowance, or compensation, in any form whatever, on account of the disbursing any public money appropriated by law during the present session, for fortifications, execution of surveys, works of internal improvement, building of arsenals, purchase of public supplies of any description, or for any other service or duty whatsoever, unless authorized by law.

Approved, March 3, 1835.

[No. 27.]—AN ACT to regulate the pay of the navy of the United States.

Be it enacted, &c., That from and after the passage of this act, the annual pay of the officers of the navy of the United States shall be as follows:

THE SENIOR CAPTAIN.

At all times when in service, four thousand five hundred dollars.

When on leave of absence, or waiting orders, three thousand five hundred dollars.

ALL OTHER CAPTAINS.

When in command of squadrons on foreign stations, four thousand dollars.

When on other duty, three thousand five hundred dollars.

When off duty, two thousand five hundred dollars.

COMMANDERS, OR MASTERS COMMANDANT.

When attached to vessels for sea service, two thousand five hundred dollars.

When attached to navy yards, or on other duty, two thousand one hundred dollars.

When on leave of absence, or waiting orders, one thousand eight hundred dollars.

LIEUTENANTS.

Commanding, one thousand eight hundred dollars.

On other duty, one thousand five hundred dollars.

Waiting orders, one thousand two hundred dollars.

ASSISTANT SURGEONS.

Waiting orders, six hundred and fifty dollars.

At sea, nine hundred and fifty dollars.

After passing, and found qualified for promotion to surgeon, eight hundred and fifty dollars.

At sea, one thousand two hundred dollars.

When stationed at navy yards, hospitals, rendezvous, and receiving ships, nine hundred and fifty dollars.

After being passed and stationed as above, one thousand one hundred and fifty dollars.

SURGEONS.

For the first five years after the date of his commission, one thousand dollars.

For the second five years, one thousand two hundred dollars.

For the third five years, one thousand four hundred dollars.

For the fourth five years, one thousand six hundred dollars.

After he shall have been commissioned as a surgeon twenty years and upwards, one thousand eight hundred dollars.

All surgeons of the navy under orders for duty at navy yards, receiving vessels, rendezvous, or naval hospitals, shall have an increase of one-fourth of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders.

All surgeons of the navy ordered to any of the ships or vessels of the United States commissioned for sea service, shall have an increase of one-third of the foregoing amount of their respective annual pay, from the date of their acceptance of such orders.

All surgeons of the navy ordered as fleet surgeons, shall have an increase of one-half of their respective annual pay, from the date of their acceptance of such orders.

CHAPLAINS.

When attached to vessels for sea service, or at navy yards, one thousand two hundred dollars.

When on leave of absence, or waiting orders, eight hundred dollars.

PROFESSOR OF MATHEMATICS.

When attached to vessels for sea service, or in a yard, one thousand two hundred dollars.

SECRETARIES.

To commanders of squadrons, when commanding in chief, one thousand dollars.

To commanders of squadrons, when not commanding in chief, nine hundred dollars.

SAILINGMASTERS.

Of a ship of the line, for sea service, one thousand one hundred dollars.

When on other duty, one thousand dollars.

When on leave of absence, or waiting orders, seven hundred and fifty dollars.

SECOND MASTERS.

When attached to vessels for sea service, seven hundred and fifty dollars.

When on other duty, five hundred dollars.

When on leave of absence, or waiting orders, four hundred dollars.

PASSED MIDSHIPMEN.

On duty, seven hundred and fifty dollars.

Waiting orders, six hundred dollars.

WARRANTED MASTERS' MATES.

When attached to vessels for sea service, or at navy yards, four hundred and fifty dollars.

When on leave of absence, or waiting orders, three hundred dollars.

MIDSHIPMEN.

When attached to vessels for sea service, four hundred dollars.

When on other duty, three hundred and fifty dollars.

When on leave of absence, or waiting orders, three hundred dollars.

CLERKS.

Of a navy yard, nine hundred dollars.

First clerk to a commandant of a navy yard, nine hundred dollars.

Second clerk to a commandant of a navy yard, seven hundred and fifty dollars.

To commanders of squadrons, captains of fleets, and commanders of vessels, five hundred dollars.

BOATSWAINS, GUNNERS, SAILMAKERS, CARPENTERS.

Of a ship of the line, for sea service, seven hundred and fifty dollars.

Of a frigate for sea service, six hundred dollars.

When on other duty, five hundred dollars.

When on leave of absence, or waiting orders, three hundred and sixty dollars.

Officers temporarily performing the duties belonging to those of a higher grade shall receive the compensation allowed to such higher grade while actually so employed.

No officer shall be put on furlough but at his own request, and all officers so furloughed shall receive one-half only of the pay to which they would have been entitled if on leave of absence.

If any assistant surgeon shall have been absent from the United States, on duty, at the time others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he will retain his original position on the register.

One ration per day only shall be allowed to all officers when attached to vessels for sea service.

Sec. 2. *And be it further enacted,* That no allowance shall hereafter be made to any officer, in the naval service of the United States, for drawing bills, for receiving or disbursing money, or transacting any business for the Government of the United States, nor shall he be allowed servants, or pay for servants, or clothing or rations for them, or pay for the same, nor shall any allowance be made to him for rent or quarters, or to pay rent for furniture, or for lights or fuel, or transporting baggage. It is hereby expressly declared that the yearly allowance provided in this act is all the pay, compensation, and allowance, that shall be received under any circumstances whatever, by any officer or person, except for travelling expenses when under orders, for which ten cents per mile shall be allowed.

Approved, March 3, 1835.

[No. 28.]—AN ACT supplementary to an act entitled "An act to authorize the extension, construction, and use, of a lateral branch of the Baltimore and Ohio railroad into and within the District of Columbia," passed December, 1829.

Be it enacted, &c., That the Baltimore and Ohio Railroad Company be, and they are hereby, authorized to locate and construct their said road within the city of Washington, through squares nine hundred and nine, eight hundred and eighty-eight, eight hundred and fifty-eight, eight hundred and thirty-two, nine hundred and eight, eight hundred and eighty-seven, eight hundred and fifty-six, eight hundred and fifty-seven, eight hundred and thirty-one, eight hundred and seven, seven hundred and seventy-six, seven hundred and fifty-one, seven hundred and eighteen, in the same manner and with the same rights and privileges which are granted to them by the act to which this is a supplement, for the construction of their said road within the District of Columbia, beyond the limits of the city of Washington, any thing in the said act contained to the contrary notwithstanding; and the assent of Congress is hereby given to the construction of the said railroad through or over any of the said lots or parts of lots which are owned by the United States.

Sec. 2. *And be it further enacted,* That the main stem of the said railroad, after passing through the squares or lots above named, or any of them, shall not be constructed west or south of a point at the intersection of H street north with Delaware avenue, until the route from that point to the final termination of the main stem of said road shall be surveyed and approved by the Mayor, Board of Aldermen, and Board of Common Council, of the city of Washington; and when the said route shall be so surveyed and approved, the said company shall be, and they are hereby, authorized to construct the said railroad on the said route, under such restrictions and conditions as may be agreed upon by the said Railroad Company and the Mayor, Board of Aldermen, and Board of Common Council, of the said city of Washington.

Sec. 3. *And be it further enacted,* That if the said route from the intersection of H street and Delaware avenue should pass through any unimproved lots or squares, except public reservations, the said Railroad Company shall be, and they are hereby, authorized to construct their road through or over the same, upon the same terms, and with the same privileges, as are prescribed for passing through the squares enumerated in the first section of this act.

Sec. 4. *And be it further enacted,* That the said company are further authorized to construct branches of their road from the main stem thereof, within the said city, to such place or places, and in such number of tracks, as the corporate authority of the city of Washington shall assent to or permit: *Provided,* That the said branches shall not pass through any of the public reservations.

Sec. 5. *And be it further enacted,* That it shall be lawful for the said company, and they are hereby empowered, to obtain, by gift or purchase, any lot or lots adjacent to any street or avenue along which the said company shall construct their said road or branches, and to hold and improve the same in such manner as may be necessary for the purposes of said company, or for the beneficial use of said road or the branches thereof; and the said company shall be authorized to extend and construct tracks of railway into any lot or lots so held by them in connexion with the tracts in any adjacent street or avenue: *Provided,* That the free use of any street or avenue shall not be impaired thereby: *And provided, also,* That the said company shall not use or employ any steam engine in drawing or propelling the cars, wagons, or other vehicles, on any part of the said road within the city of Washington, except in such parts as may be agreed to by the corporate authorities of said city.

Sec. 6. *And be it further enacted,* That such provisions of the act to which this is a supplement as are inconsistent herewith be, and the same are hereby, repealed.

Approved, March 3, 1835.

[No. 29.]—AN ACT making appropriations for building light-boats, beacons, and monuments, and placing buoys, for the year one thousand eight hundred and thirty-five, and for other purposes.

Be it enacted, &c., That the following appropriations be, and the same are hereby, made and directed to be paid out of any money in the treasury not otherwise appropriated, to enable the Secretary of the Treasury to provide, by contract, for building light-boats, beacons, and monuments, and placing buoys, to wit:

STATE OF MAINE.

For placing buoys in St. George's river, to wit: on Jenk's, Colmel's, Gay's Cove, and Fullerton's ledges and Point of Rocks, seven hundred dollars.

For placing buoys in Passamaquoddy bay and for substituting for the present fog-bell, at the entrance of said passage, a cast steel triangular bell, or a bell of the usual form, but increased weight, one thousand five hundred dollars.

For placing buoys or spindles on ledges of rocks called Fishing rocks, and Old Prince, at the entrance of Kennebunk and Cape Porpoise harbor, five hundred dollars.

For the erection of three beacons on the following sites, in the harbor of Castine, viz: one on Otter rock, one on Homer's ledge, and one on Stubb's Point ledge, three thousand dollars.

For the erection of buoys on Alden's ledge, at the mouth of Portland harbor, fifteen hundred dollars.

For placing buoys on Heron Island ledge, at the mouth of Damariscotta river, and on Western rock, Eastern rock, and Kellsa's ledge, in said river, a sum not exceeding five hundred dollars.

STATE OF MASSACHUSETTS.

For placing buoys, to wit, on West Island ledge, on Nye's ledge, and on the northwest and southwest end of Mattapoisett ledge, on Sunken ledge, and on Snow's rock, seven hundred dollars.

For completing the erection of a spindle on Minot's ledge, seven hundred and fifty dollars.

For a stone beacon on Collier's ledge, Vineyard sound, one thousand five hundred dollars.

For placing buoys at or near the following sites, in or near the harbor of Lynn: one on Lobster's rock, near the west side of Nahant, one on the Western rocks, one on the sand bar at the mouth of Saugar's river, and upon such other sites as may be necessary for safe navigation, five hundred dollars.

For two boat buoys, to be placed at or near the harbor of Nantucket, six hundred dollars.

For placing buoys in the harbor of New Bedford on the following sites, to wit: on Fort flat, near Fairhaven, on Egg island, on Butler's flat, on Bartholomew's rocks, on Sandspit shoal, southeast of Dumpling rocks, on the Sunken rocks, south of Dumpling rocks, and on the ledge between Dumpling rocks and Mishone point, one thousand and fifty dollars.

For erecting beacons and placing buoys on proper sites in Buzzard's bay, two thousand dollars.

For buoy, beacon, or spindle, on a sunken rock near the mouth of Green bay, Plymouth, Massachusetts, one hundred and fifty dollars.

STATE OF CONNECTICUT.

For a spindle on the point of rocks near the mouth or entrance of Mystic river, a short distance easterly from the lighthouse on Morgan's point, in the town of Groton, two hundred and fifty dollars.

For light-boat, with a bell to be attached to the same, and anchored at Bartlett's reef, five thousand dollars.

For making a foundation, and rebuilding thereon a beacon, near the entrance of Black Rock harbor, in Long Island sound, in addition to a former appropriation, seven thousand seven hundred and ten dollars.

STATE OF RHODE ISLAND.

For the erection of iron spindles on the Halfway rock, near the south end of the Island of Prudence in Narragansett bay, and the Little Lime rock, in the harbor of Newport, three hundred dollars.

For the erection of a beacon on the rock near the harbor of East Greenwich, called the Halfway rock, from the Warwick Neck point to Pattawomet harbor, five hundred dollars.

STATE OF NEW JERSEY.

For placing four buoys on Absecum and New inlet, Gloucester county, four hundred dollars.

STATE OF MARYLAND.

For placing buoys at proper sites in the following rivers, viz: Nanticoke, Wicomico, Manokin, Annamusox, and Pocomoke river and sound, Hooper's straits, and Tangier sound, one thousand and fifty dollars.

STATE OF VIRGINIA.

For a light-boat to be placed on Boler's rock, in the Rappahannock river, five thousand dollars.

For three buoys to be placed on proper sites in the channel of Chincoteague inlet, four hundred and fifty dollars.

For three buoys to be placed on proper sites in the channel of Mattapungo inlet, four hundred and fifty dollars.

For a light-boat to be anchored at or near Ragged Point in the Potomac river, in the State of Virginia, or the erection of a lighthouse at Piney Point, in the State of Maryland, which of the two lights above mentioned as best adapted for the security of navigation, to be decided on by the Secretary of the Treasury, five thousand dollars.

STATE OF NORTH CAROLINA.

For a light-boat to be placed on a proper site between Albermarle and Pamlico sounds, five thousand dollars.

For building a light-boat to be stationed at or near Harbor Island, five thousand dollars.

STATE OF SOUTH CAROLINA.

For placing three buoys at the bar of the port of Georgetown, on proper sites, four hundred and fifty dollars.

For placing three buoys on proper sites in the north channel of Charleston harbor, four hundred and fifty dollars.

For one buoy on North Edisto bar, one in the swash channel on Combahee, two on South Edisto bar, two on the Bird Key channel, and one in Calibago sound, one thousand and fifty dollars.

For five beacon-lights at Charleston bar, five thousand dollars, if so much be necessary; one light to be so placed as to range precisely with the main light, when a vessel shall be crossing the bar at the ship channel and in the deepest water; two to be placed on Morris's Island, to range with each other when a vessel shall be crossing the Overall channel and in the deepest water; one to be placed on Sullivan's Island, to the eastward of Fort Moultrie; and another to be placed on the back of Sullivan's Island, or on the main, to range when a vessel shall have crossed the bar, and is steering northward.

STATE OF OHIO.

For placing not less than five buoys at the entrance of Sandusky harbor, five hundred dollars.

For placing two buoys at port Clinton, at the mouth of Portage river, one hundred and fifty dollars.

STATE OF LOUISIANA.

For the purpose of replacing the twenty buoys that were on the coast of Louisiana, to mark out the channel from the vicinity of the lighthouse, on Point au Fer, into the Atchafayala bay, or so many of them as may be sunk or have been destroyed, a sum not exceeding two thousand five hundred dollars.

TERRITORY OF FLORIDA.

For placing eight buoys in St. Mark's harbor, at proper sites, eight hundred dollars.

For placing four buoys at proper sites in the channel at the east end of St. George's Island, Appalachicola bay, six hundred dollars.

For placing buoys to mark the channel through the east pass of Appalachicola bay and river, one thousand dollars.

TERRITORY OF MICHIGAN.

For placing ten buoys to mark the channel at the mouth of the Miami of Lake Erie, and in Maumee bay, seven hundred dollars.

For erecting a lighthouse at Mobile Point, eight thousand dollars; and for placing buoys in Mobile Bay, five hundred dollars.

For the preservation of Fairweather Island, and the lighthouse and other public buildings thereon, and securing Black Rock harbor, two thousand six hundred dollars.

Approved, March 3, 1835.

[No. 30.]—AN ACT making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-five.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the treasury, viz:

For pay and mileage of the members of Congress and Delegates, three hundred and fifty-three thousand two hundred and forty-eight dollars.

For pay of the officers and clerks of the Senate and House of Representatives, thirty-three thousand seven hundred dollars.

For stationary, fuel, printing, and all other incidental and contingent expenses of the Senate, including twenty thousand dollars deficiency of appropriation for the same objects for the year one thousand eight hundred and thirty-four, the sum of eighty-five thousand five hundred dollars.

For stationary, fuel, printing, and all other incidental and contingent expenses of the House of Representatives, two hundred thousand dollars. The two sums last mentioned to be applied to the payment of the ordinary expenditures of the Senate and House of Representatives, severally, and to no other purpose.

For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, sixty thousand dollars.

For clerks and messengers in the office of the Secretary of State, twenty thousand three hundred dollars.

For clerks, machinist, and messenger, in the Patent Office, five thousand four hundred dollars.

For incidental and contingent expenses of the Department of State, including the expense of publishing and distributing the laws, twenty-five thousand dollars.

For contingent and incidental expenses of the Patent Office, two thousand dollars.

For compiling and printing the Biennial Register, one thousand eight hundred dollars.

For the superintendent and watchmen of the northeast executive building, one thousand five hundred dollars.

For contingent expenses of said building, including fuel, labor, oil, repairs of the building, three thousand three hundred and fifty dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Treasury, sixteen thousand seven hundred dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messengers in the office of the First Comptroller, nineteen thousand three hundred dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Comptroller, ten thousand four hundred and fifty dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the First Auditor, fourteen thousand nine hundred dollars.

For compensation to the Second Auditor of the Treasury three thousand dollars.

For compensation to the clerks and messenger in the office of the Second Auditor, seventeen thousand nine hundred dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Third Auditor, twenty-four thousand five hundred and fifty dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Fourth Auditor, seventeen thousand seven hundred and fifty dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks and messenger in the office of the Fifth Auditor, twelve thousand eight hundred dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks and messenger in the office of the Treasurer of the United States, seven thousand one hundred and fifty dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks and messengers in the office of the Register of the Treasury, twenty-four thousand two hundred dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks and messengers in the office of the Commissioner of the General Land Office, twenty thousand five hundred dollars.

For compensation to the Solicitor of the Treasury, three thousand five hundred dollars.

For compensation to the clerks and messenger in the office of the Solicitor of the Treasury, three thousand nine hundred and fifty dollars.

For compensation to the Secretaty to the Commissioners of the Sinking Fund to the seventh of February, one thousand eight hundred and thirty-five, twenty-six dollars and thirty-nine cents.

For the expenses of stationary, printing, and all other incidental and contingent expenses of the several offices of the Treasury Department, the following several sums, viz:

For the office of the Secretary of the Treasury, including the copying and expenses incurred in consequence of the burning of the Treasury building, twelve thousand five hundred dollars.

For the office of the First Comptroller, one thousand five hundred dollars.

For the office of the Second Comptroller, one thousand five hundred dollars.

For the office of the First Auditor; eight hundred dollars.

For the office of the Second Auditor, one thousand dollars.

For the office of the Third Auditor, eight hundred dollars.

For the office of the Fourth Auditor, one thousand dollars.

For the office of the Fifth Auditor, one thousand dollars.

For the office of the Treasurer of the United States, seven hundred dollars.

For the office of Register of the Treasury, three thousand dollars.

For the office of the Solicitor of the Treasury, one thousand dollars.

For the office of the Commissioner of the General Land Office, including one hundred thousand parchments and cost of printing patents, twenty-two thousand dollars.

For additional clerk hire in the issuing of military land scrip, making out of patents for Virginia military surveys, and for private land claims, and in adjusting the accounts of the surveyors general, four thousand dollars.

For compensation to six additional clerks, one year, to aid in registering sales of lands, and adjusting the accounts of receivers of public moneys, and for opening tract books, making indexes, and bringing up other arrears, six thousand dollars.

For renewing the old War office index of Virginia military warrants, and patents issued on surveys made to satisfy the same, one thousand five hundred dollars.

For the preparation of maps to examine and check the quantities and technical designation of parts of fractional sections sold preparatory to the issuing of patents, and in comparing the charges made by surveyors general with the lines exhibited on the return of surveys, one thousand dollars.

For writing, recording, examining, making out lists, and transmitting eighty thousand patents, fifteen thousand dollars.

For additional clerk hire in the bureau of private land claims, to aid in the investigation of land titles, and writing and recording patents for private land claims; and recording deeds of transfers of lands reserved to individual Indians under treaties after conveyances by them, two thousand dollars.

For translations, and for expense of passports and sea-letters, three hundred dollars.

For stating and printing the public accounts for the year one thousand eight hundred and thirty-five, one thousand four hundred dollars.

For compensation of superintendent, and watchmen of the buildings occupied by the Treasury Department, including arrearages for one thousand eight hundred and thirty-three, the sum of two thousand four hundred and seventy-five dollars.

For incidental and contingent expenses of said building, including fuel, labor, oil, repairs, furniture, and for rent, amounting to three thousand seven hundred and fifty dollars, eight thousand dollars.

For compensation to the clerks and messengers in the office of the Secretary of War, twelve thousand six hundred and fifty dollars.

For contingent expenses of the office of the Secretary of War, three thousand dollars.

For books, maps, and plans, for the War Department, one thousand dollars.

For messenger in the Bounty Land Bureau, four hundred dollars.

For compensation to the Commissioner of Indian Affairs, three thousand dollars.

For compensation to the clerks and messenger in the office of Indian Affairs, five thousand seven hundred dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerks and messenger in the office of the Paymaster General, four thousand six hundred dollars.

For contingent expenses of said office, three hundred dollars.

For compensation to the clerks and messenger in the office of the Commissary General of Purchases, and for a clerk employed at the seat of Government, four thousand two hundred dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerks in the office of the Adjutant General, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For compensation to the clerks in the office of the Quartermaster General, two thousand one hundred and fifty dollars.

For contingent expenses of said office, six hundred dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, including printing advertisements, two thousand five hundred dollars.

For compensation to the clerks in the office of the Chief Engineer, two thousand nine hundred and fifty dollars.

For contingent expenses of said office, one thousand dollars.

For expenses of the lithographic press of the War Department, seven hundred and fifty dollars.

For compensation to the clerks in the Ordnance office; two thousand nine hundred and fifty dollars.

For contingent expenses of said office, eight hundred dollars.

For compensation to the clerk in the office of the Surgeon General, eleven hundred and fifty dollars.

For contingent expenses of said office, four hundred dollars.

For salary of the clerk in the Topographical Bureau, one thousand dollars.

For contingent expenses of the Topographical Bureau, one thousand two hundred and eighty-two dollars and fifty cents.

For the salary of the Commissioner of Pensions, two thousand five hundred dollars.

For salaries of clerks transferred from the office of the Secretary of War, four thousand eight hundred dollars.

For salaries of additional clerks, ten thousand six hundred dollars.

For additional or temporary clerk hire, to assist in the re-examination of claims and accounts, in order to carry into effect the act of the seventh June, eighteen hundred and thirty-two, granting revolutionary pensions, three thousand four hundred dollars.

For messengers in the Pension Office, one thousand two hundred and fifty dollars.

For the pay of temporary clerks employed for five months to prepare a statement under the resolutions of the Senate of the sixth and thirteenth of June, eighteen hundred and thirty four, required to be made during the recess of Congress, at an average of eighty dollars per month for each clerk, nine thousand one hundred and twenty dollars.

For printing, stationary, rent, expenses of procuring revolutionary records, and other contingencies in the office of the Commissioner of Pensions, six thousand five hundred dollars.

For the salary of the superintendent and watchmen of the northwest executive building, twelve hundred and fifty dollars.

For the contingent expenses of said building, including fuel, labor, oil, furniture, repairs of building, the sum of one hundred and fifty dollars for the rent of rooms occupied by the Bounty Land Bureau, and a deficiency of sixty-six dollars and sixty cents for the year eighteen hundred and thirty-three, three thousand two hundred and fifty dollars.

For compensation to the clerks and messengers in the office of the Secretary of the Navy, twelve thousand eight hundred and fifty dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the Secretary of the Commissioners of the Navy Board, two thousand dollars.

For compensation to the clerks, draughtsman, and messenger, in the office of the Commissioners of the Navy Board, eight thousand four hundred and fifty dollars.

For contingent expenses of the office of the Commissioners of the Navy Board, one thousand eight hundred dollars.

For the salary of the superintendent of the southwest executive building, and the watchmen, twelve hundred and fifty dollars.

For compensation to the two assistant Postmasters General, five thousand dollars.

For compensation to the clerks and messengers in the office of the Postmaster General, forty-one thousand one hundred dollars.

For contingent expenses of said office, seven thousand five hundred dollars.

For superintendency of the buildings, making up blanks, and compensation to two watchmen and one laborer, sixteen hundred and forty dollars.

For additional clerk hire for the year eighteen hundred and thirty-four, thirty-eight thousand three hundred and fifty-five dollars and eighty-four cents.

For the services of a topographer and map maker for obtaining materials and drawing maps of the several States and Territories, one thousand dollars.

For compensation to the Surveyor General in Ohio, Indiana, and Michigan, two thousand dollars.

For compensation to the clerks in the office of the said surveyor, two thousand one hundred dollars.

For additional clerk hire, in order to bring up the arrears, and transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, three thousand five hundred dollars.

For compensation to the surveyor in Illinois and Missouri, two thousand dollars.

For compensation of clerks in the office of the said surveyor, four thousand eight hundred and twenty dollars.

For additional clerk hire, in order to bring up the arrears, and transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, one thousand dollars.

For compensation to the Surveyor General in Arkansas, one thousand five hundred dollars.

For compensation to clerks in said office, one thousand eight hundred dollars.

For additional clerk hire, in order to bring up the arrears, and for transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, one thousand dollars.

For compensation to the surveyor in Louisiana, two thousand dollars.

For compensation to the clerks in the office of said surveyor, fifteen hundred dollars.

For additional clerk hire, in order to bring up the arrears, and for transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, one thousand dollars.

For compensation to the surveyor in Mississippi, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand seven hundred dollars.

For additional clerk hire, in order to bring up the arrears, and for transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, two thousand three hundred dollars.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerk and draughtsman in the office of the said surveyor, one thousand dollars each.

For additional clerk hire, in order to bring up the arrears, and for transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, one thousand dollars.

For compensation to the surveyor in Florida, two thousand dollars.

For compensation to the clerks in the office of said surveyor, three thousand dollars.

For additional clerk hire, in order to bring up the arrears, and for transcribing the field notes of said office, for the purpose of having them preserved at the seat of Government, five hundred dollars.

For compensation to the Secretary appointed by the President to sign all patents for lands sold or granted under the authority of the United States, per act of second March, eighteen hundred and thirty-three, one thousand five hundred dollars.

For compensation to the Commissioner of the Public Buildings in Washington city, two thousand dollars.

For the purchase of books for the library of Congress, five thousand dollars.

For salary of the prinicpal and assistant Librarians, and for contingent expenses of the library, and pay of messenger, three thousand seven hundred and fifty dollars.

For new articles of furniture for the library of Congress, fifteen hundred dollars.

For compensation to the officers and clerk of the Mint, ten thousand six hundred dollars.

For compensation to assistants in the several departments of the Mint, and wages of laborers employed in the various operations of the establishment, including one thousand dollars for the salary of an assistant assayer, twenty-three thousand dollars.

For incidental and contingent expenses and repairs, cost of machinery, for allowance for wastage in gold and silver coinage of the Mint, thirty-nine thousand six hundred and fifty dollars.

For defraying the excess of expenditure in the several departments of the Mint for the year one thousand eight hundred and thirty-four, beyond the approtion for the year eighteen hundred and thirty-four, arising from the extra coinage consequent upon the act of the twenty-eighth June, eighteen hundred and thirty-four, relative to the gold coinage, including wastage on said coinage, twenty thousand dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, including five hundred dollars arrearages of compensation to the Governor of said Territory, from thirtieth of June to thirty-first December, eighteen hundred and thirty-four, per act of thirtieth June, eighteen hundred and thirty-four, ten thousand five hundred dollars.

For contingent expenses of the Michigan Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council, pay of the officers of the Council, fuel, stationary, and printing, nine thousand nine hundred and twenty dollars.

For pay and mileage of the members of the Legislative Council, pay of the officers of the Council, and the incidental expenses of an extra session of said council, held at Detroit in the year eighteen hundred and thirty-four, four thousand two hundred and sixty-eight dollars and eighty-one cents.

For compensation to the Governor, Judges, and Secretary, of the Arkansas Territory, nine thousand dollars.

For incidental expenses, per act of twenty-fourth of May, eighteen hundred and twenty-eight, seven hundred and twenty dollars.

For contingent expenses of the Arkansas Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislature of the Territory of Arkansas, including fuel, stationary, printing and distribution of the laws, in addition to an unexpended balance of former appropriations of six thousand eight hundred and seventy-two dollars and fifty-six cents, the sum of two thousand five hundred and two dollars and forty-four cents.

For compensation to the Governor, Judges, and Secretary, of the Florida Territory, eleven thousand seven hundred dollars.

For the contingent expense of the Florida Territory, three hundred and fifty dollars.

For compensation and mileage of the members of the Legislative Council of Florida, pay of officers and servants of the Council, fuel, stationary, printing, and incidental expenses, per act of 18th June, one thousand eight hundred and thirty-four, and thirtieth June, one thousand eight hundred and thirty-four, seven thousand four hundred dollars.

For the printing and distribution of the laws and journals, and publication of the laws of said Territory in three newspapers, as required by law, one thousand eight hundred and ninety dollars.

For allowances to the law agent, assistant counsel, and district attorney, under the acts for the settlement of the private land claims in Florida, four thousand and fifty dollars.

For expenses of clerk hire, interpreter, office rent, and stationary, rendered necessary to the Judge of the Superior Court of East Florida, at St. Augustine, in the performance of the services required of him under the act for the relief of inhabitants of East Florida, of June twenty-six, one thousand eight hundred and thirty-four, one thousand six hundred and seventy-five dollars.

For compensation to the Chief Justice, the associate judges, and district judges, of the United States, eighty-one thousand four hundred dollars.

For the expense of printing the records of the Supreme Court of the United States, for the term of eighteen hundred and thirty-five, three thousand dollars.

For the salaries of the Chief Justice and associate judges of the District of Columbia, and of the judges of the Orphans' Courts of the said District, nine thousand five hundred dollars.

For compensation to the Attorney General of the United States, four thousand dollars.

For compensation to the clerk in the office of the Attorney General, eight hundred dollars.

For a messenger in said office, five hundred dollars.

For contingent expenses of said office, five hundred dollars.

For compensation to the reporter of the decisions of the Supreme Court, one thousand dollars.

For compensation to the district attorneys and marshals, as granted by law, including those in the several Territories, and including the sum of three thousand one hundred and seventy-five dollars, being a deficiency in the appropriation to meet the expenditure for the fourth quarter of one thousand eight hundred and thirty-four, fifteen thousand eight hundred and seventy-five dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and thirty-four, and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners, three hundred thousand dollars.

For the payment of sundry pensions, granted by special acts of Congress, one thousand three hundred and fifty dollars.

For the support and maintenance of lighthouses, floating lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, keepers' salaries, repairs, and improvements, and contingent expenses, two hundred and sixty-eight thousand one hundred and fifty-two dollars and fifty-nine cents.

To make good a deficiency in the funds for the relief of sick and disabled seamen, as established by the acts of sixteenth July, seventeen hundred and ninety-eight, and third May, eighteen hundred and two, twenty-five thousand dollars.

For repairs of the marine hospital wharf at Chelsea, Massachusetts, five hundred dollars.

For enclosing the custom-house lot at Norfolk with a brick wall, and for repairs of the custom-house buildings, three thousand four hundred and fifty dollars.

For repairs, and for building an addition to the house occupied by the revenue officer having charge of the public property at Sandy Hook, New Jersey, four hundred dollars.

For expense in relation to the relief of certain insolvent debtors of the United States, under the act of seventh June, eighteen hundred and thirty-four, five thousand dollars.

For a beacon on the piers at the mouth of Genesee river and Sodus bay, as authorized by the act of the thirtieth June, eighteen hundred and thirty-four, in addition to a former appropriation of four thousand dollars, the sum of three thousand seven hundred and fifty dollars.

For a lighthouse or beacon light on one of the piers at the harbor of Oswego, on Lake Ontario, as authorized by the act of the thirtieth of June, eighteen hundred and thirty-four, in addition to a former appropriation of three thousand six hundred and sixty-six dollars, the sum of six thousand four hundred and eighty-five dollars.

For the removal of the lighthouse now on the north end of Goat island, near the harbor of Newport, Rhode Island, as authorized by the act of the thirtieth of June, eighteen hundred and thirty-four, in addition to a former appropriation of thirteen thousand six hundred dollars, the sum of thirty-two thousand four hundred dollars.

For surveying the public lands, in addition to the unexpended balance of former appropriations, seventy thousand dollars.

For surveying the lots in the town of Peoria, in the State of Illinois, as authorized by the act of third March, eighteen hundred and twenty-three, five hundred dollars.

For the salaries of two keepers of the public archives in Florida, one thousand dollars.

For compensation to the recorder, two commissioners, and translator, for the final adjustment of private land claims in Missouri, from the first January to the first of October, eighteen hundred and thirty-five, per act of the twenty-seventh June, eighteen hundred and thirty-four, the sum of four thousand five hundred and seventeen dollars.

For contingent expenses and office rent of said board, including five hundred dollars for conveying the final report to the seat of Government, one thousand dollars.

For stationary and books for the office of commissioner of loans, one thousand two hundred dollars.

For additional payment for the statue of Washington, five thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the Treasury, twelve thousand dollars.

For the salaries of the ministers of the United States to France, Spain, and Russia, twenty-seven thousand dollars.

For the salaries of the charges des affaires to Portugal, Great Britain, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Mexico, Central America, New Grenada, Prussia, and Venezuela, sixty-seven thousand five hundred dollars.

For the salary of the drogoman to the legation of the United States to Turkey, and for contingent expenses of that legation, six thousand five hundred dollars.

For outfit of a minister of the United States to Spain, nine thousand dollars.

For outfits to the charges des affaires to Venezuela and Portugal, nine thousand dollars.

For outfit of a charge d'affaires to Denmark or to Prussia, as may be required, four thousand five hundred dollars.

For contingent expenses of all the missions abroad, thirty thousand dollars.

For a balance due John Randolph Clay, charge des affaires at Russia, thirteen hundred dollars.

For a balance due to Nathaniel Niles, late charge des affaires at France, five thousand and fifteen dollars and sixty-two cents, in addition to the sum appropriated for his services as charge des affaires aforesaid, by the act of 30th June, 1834.

To Captain John Downes, the sum of one thousand and eighty dollars, in reimbursement of the cost of presents to the native authorities in the Society and Sandwich islands, while commanding the squadron of the United States of the Pacific ocean.

For the salaries of the agents for claims at London and Paris, four thousand dollars.

For the expenses of intercourse with the Barbary Powers, seventeen thousand four hundred dollars.

For the relief and protection of American seamen in foreign countries, thirty thousand dollars.

For the contingent expenses of foreign intercourse, thirty thousand dollars.

For compensation and expenses of an agent to Havana, to procure the archives of Florida, four thousand five hundred dollars.

For completing a "Digest of Commercial Regulations of Foreign Countries," under the resolution of the House of Representatives of the third of March, eighteen hundred and thirty-one, including the sum of one thousand five hundred dollars for expenses in obtaining information from foreign countries, the sum of six thousand six hundred dollars.

For compensation to Lemuel Slater, for services in collecting information, in the State of Rhode Island, upon the extent and condition of manufactures of that State, under the appointment of the Secretary of the Treasury, in eighteen hundred and thirty-two, eight hundred and ten dollars and twenty-seven cents.

For completing the public warehouse in Baltimore, sixty thousand dollars.

For the payment of the balance of the salary of Valentine Giesy, late superintendent of the Cumberland road, east of the Ohio river, eight hundred sixty-two dollars and eighty-seven cents.

For the purchase of a site and building a custom-house in the city of Boston, fifty thousand dollars, in addition to what may be obtained by a sale of the present custom-house, provided a suitable site can be obtained, and a custom-house satisfactory to the Secretary of the Treasury can be built, to cost not exceeding these appropriations for that purpose.

For the repair of the pier and wharves connected with the public stores on Staten Island, in consequence of the damage done to them by a late gale; for the rebuilding of the store thrown down in consequence of the breaking up the foundation on which it stood, by the same gale; and for putting on of a new roof and other repairs to the remaining store, the sum of thirty-eight thousand dollars, to be expended under the direction of the Secretary of the Treasury, and the work to be done upon contract in the ordinary mode of letting contracts for public works.

For payment for preparing, printing, and binding, the documents ordered to be printed by Gales & Seaton, under the same restrictions and reservations as were contained in the appropriation for the same object, in the act of May the fifth, eighteen hundred and thirty-two, forty thousand dollars.

For payment for printing the documents relating to the public lands, and for binding, and for engraving the necessary maps, ordered to be printed by the Senate, ten thousand eight hundred and sixty dollars.

And the following sums for the Military Academy at West Point:

For defraying the expenses of the board of visiters at West Point, two thousand dollars.

For fuel, forage, stationary, printing, transportation, and postage, nine thousand nine hundred and sixty-five dollars.

For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, carts, and fences, six thousand five hundred and twenty-eight dollars.

For pay of adjutants and quartermaster's clerks, nine hundred dollars.

For philosophical apparatus and repairs of the same, five hundred and eighty-five dollars.

For models for the department of engineering, six hundred dollars.

For completing the custom-house building, and enclosing the lot, six thousand eight hundred dollars.

For models for the drawing department, apparatus, and contingencies for the department of chemistry, and repairs of instruments for the mathematical department, one thousand one hundred and eighty dollars.

For the departments of mineralogy, artillery, and sword exercises, one thousand four hundred dollars.

For increase and expenses of the library, eight hundred and seventy-three dollars.

For miscellaneous items and incidental expenses, one thousand five hundred and fifty-eight dollars.

For pay of the officers, cadets, and musicians, fifty-six thousand one hundred and thirty-two dollars.

For subsistence of officers and cadets, thirty-nine thousand five hundred and sixty-six dollars.

For forage of officers, one thousand one hundred and fifty-two dollars.

For clothing of officers' servants, three hundred and thirty dollars.

For recording the opinions of the Supreme Court of the United States, two hundred and fifty dollars; which recording shall be done by the clerk of said court presently after the delivery of such opinions.

For the publication of the new system of discipline and tactics, for the use of the army of the United States, two thousand six hundred dollars; and for compensation to Winfield Scott, the author and compiler, and for superintending the printing of the same, five thousand dollars.

For additional pay to the officers of the navy and the civil establishment of the navy yards, granted by act of the present session of Congress, two hundred and ninety-five thousand seven hundred and thirty-two dollars and seventy-four cents.

For alterations and repairs in the Capitol, including the domes of the chambers of the Senate and House of Representatives, replacing and renewing the copper of the same, and painting the ceiling of the rotundo, twelve thousand five hundred dollars.

For salary of the gardener employed in superintending the Capitol square and other public grounds, one thousand dollars.

For lighting lamps and keeping the grounds and walks in order, including cost of trees and shrubs, four thousand five hundred dollars.

For protection of the waste water pipes and air pipe of the aqueduct of the Capitol, and repairs of the pipes, five hundred dollars.

For alterations and repairs of the President's House, for gardener's salary, and for keeping the grounds and walks in order, including the cost of trees and shrubs, four thousand two hundred dollars.

For laying a line of iron water pipes from the State to the Navy Department, seventeen hundred dollars.

For improving Lafayette square, three hundred dollars.

For the annual expense of two fire engines, two hundred dollars.

For preparing the niches for the reception of the statues at the east front of the capitol, four hundred and sixty dollars.

For repairing the culvert at the west front of the Capitol, three hundred and eighty dollars.

For completing the work of repairing and putting in order the congressional burial ground, six hundred dollars.

Sec. 2. *And be it further enacted,* That six hundred and fifty thousand acres of land, in addition to the quantity heretofore appropriated by the act entitled "An act for the relief of certain officers and soldiers of the Virginia line and navy, and of the continental army during the revolutionary war," approved the thirtieth day of May, one thousand eight hundred and thirty, and the act entitled "An act to extend the time for issuing military land warrants to the officers and soldiers of the revolutionary war," approved the thirteenth day of July, one thousand eight hundred and thirty-two, and the act entitled "An act granting an additional quantity of land for the location of revolutionary bounty land warrants," approved the second day of March, one thousand eight hundred and thirty-three, be, and the same are hereby, appropriated, to be applied, in the manner provided for in said acts, to the unsatisfied warrants, whether original or duplicate, which have been or may be issued, as therein directed, to the officers, soldiers, and others therein described; and the certificates of scrip issued pursuant to said acts shall be receivable in payment for any of the public lands liable to sale at private entry: *Provided,* That no scrip shall be issued until the first day of September next; and warrants shall be received in the General Land Office until that day; and immediately thereafter, if the amount filed exceed six hundred and fifty thousand acres, the Commissioner of the General Land Office shall apportion the said six hundred and fifty thousand acres of land among the warrants which may be then on file, in full satisfaction thereof.

Sec. 3. *And be it further enacted,* That the second section of the act making appropriations for the civil and diplomatic expenses of the Government for the year 1834 is hereby repealed, and that the Secretary of the Treasury be, and he is hereby, authorized to pay to the collectors, naval officers, surveyors, and their respective clerks, together with the weighers of the several ports of the United States, out of any money in the treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year 1835, according to the importations of that year, as they would have been entitled to receive if the act of the 14th July, 1832, had not gone into effect: *Provided,* That no officer shall receive, under this act, a greater annual salary or compensation than was paid to such officer for the year 1832; and that, in no case, shall the compensation of any other officers than collectors, appraisers, and surveyors, whether by salaries, fees, or otherwise, exceed the sum of fifteen hundred dollars each per annum; nor shall the union of any two or more of these offices in one person entitle him to receive more than that sum per anuum: *Provided,* That the whole number of custom-house officers in the United States on the 1st January, 1834, shall not be increased until otherwise allowed by Congress: *Provided, further,* That the said collectors, naval officers, and surveyors, shall render an account, quarterly, to the Treasury, and the other officers herein named or referred to shall render an account, quarterly, to the respective collectors of the customs where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received; and of all expenses incident to their respective offices; which accounts shall be rendered on oath or affirmation, and shall be in such form, and be supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect: *Provided, also,* That any salary or compensation due for the year 1834, shall not be affected by this section.

Sec. 4. *And be it further enacted,* That no payment of the money appropriated by this act, or any other act passed at the present session of Congress, shall be made in the note or notes of any bank which shall not be at par value at the place where such payment may be made: *Provided,* That nothing herein contained shall be construed to make any thing but gold and silver a tender in payment of any debt due from the United States to individuals.

Approved, March 3, 1835.

[No. 31.]—AN ACT for the continuation and repair of the Cumberland Road in the States of Ohio, Indiana, and Illinois.

Be it enacted, &c., That the sum of two hundred thousand dollars be, and the same is hereby, appropriated, for the purpose of continuing the Cumberland road in the State of Ohio; also, that the sum of one hundred thousand dollars be, and the same is hereby, appropriated, for continuing the Cumberland road in the State of Indiana; which sums shall be paid out of any money not otherwise appropriated, and replaced out of the fund reserved for laying out and making roads under the direction of Congress, by the several acts passed for the admission of the States of Ohio, Indiana, and Illinois, into the Union, on an equal footing with the original States.

Sec. 2. *And be it further enacted,* That for the entire completion of repairs of the Cumberland road east of the Ohio river, and other needful improvements on said road, to carry into effect the provisions of an act of the General Assembly of Pennsylvania, entitled "An act for the preservation and repair of the Cumberland road," passed the fourth day of April, one thousand eight hundred and thirty-one, and of an act of the General Assembly of the State of Maryland, entitled "An act for the preservation and repair of that part of the United States road within the limits of the State of Maryland," passed the twenty-third day of January, one thousand eight hundred add thirty-two; also, an act of the General Assembly of Virginia, entitled "An act concerning the Cumberland road," passed February the seventh, one thousand eight hundred and thirty-two; the sum of three hundred and forty-six thousand one hundred and eighty-six dollars and fifty-eight cents be, and the same is hereby, appropriated, to paid out of any money in the treasury not otherwise appropriated, to be expended under the direction of the Secretary of War.

Sec. 3. *And be it further enacted,* That before any portion of the sum by the second section of this act appropriated shall be expended in the repair of said road, east of the Ohio river, agreeably to the provisions of this act, the same shall be surrendered to and accepted by the States, respectively, through which said road passes; and the United States shall not thereafter be subject to any expense in relation to said road.

Approved, March 3, 1835.

[No. 32.]—AN ACT amendatory of the act for the continuation of the Cumberland Road.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause the line of the national road, heretofore run between Springfield, in Clarke covnty, in the State of Ohio, and Richmond, in the State of Indiana, to be examined and reviewed by some competent engineer; and, on such review, the line of the national road to be run in such manner, and in such direction, as will best promote the public convenience and interest; and the location so made, if approved by the President of the United States, shall be established as the line between the said points.

Approved, March 3, 1835.

[No. 33.]—AN ACT to prescribe the punishment of Consuls, Commercial Agents, and others, in certain cases.

Be it enacted, &c., That if any consul, vice consul, commercial agent, or vice commercial agent, shall, knowingly and falsely, certify to any invoice, or other paper, to which his certificate is by law authorized or required, he shall, on conviction thereof in any court of competent jurisdiction, forfeit and pay a fine not exceeding ten thousand dollars, at the discretion of the court, and be imprisoned for a term not exceeding three years, at the like discretion.

Approved, March 3, 1835.

[No. 34.]—AN ACT to change the place of holding the District Court of the United States for the District of Mississippi.

Be it enacted, &c., That the district court of the United States for the district of Mississippi, now held at Natchez, shall hereafter be held at the town of Jackson, in the State of Mississippi, at the times now prescribed by law for the holding of said court.

Approved, March 3, 1835.

[No. 35.]—AN ACT to amend an act entitled "An act authorizing the construction of a bridge across the Potomac, and repealing all acts already passed in relation thereto.

Be it enacted, &c., That the act entitled "An act authorizing the construction of a bridge across the Potomac, and repealing all acts already passed in relation thereto," which was approved on the thirtieth of June, eighteen hundred and thirty-four, be, and the same is hereby, amended, so far as to authorize a connexion, by a solid embankment across the middle, commonly called the swash channel, of the river Potomac, of the two embankments now constructing on the shoals of the said river, and the addition of the several improvements upon the plan of the said bridge, contemplated in the contract for the construction thereof, which are recommended in the letter of the engineer superintending the said work to the Secretary of the Treasury, bearing date December first, eighteen hundred and thirty-four, and transmitted to the House of Representatives on the eighth of that month: *Provided,* That the said additional embankment and improvements shall not cause the entire cost of the said bridge to exceed, in amount, the sum of one hundred and thirty thousand dollars already appropriated thereto.

Approved, March 3, 1835.

[No. 36.]—AN ACT to change the times of holding the District Courts of the United States for the Western District of Virginia, held at Clarksburg.

Be it enacted, &c., That from and after the second of August next, the sessions of the district court of the United States for the western district of Virginia, required by law to be holden at Clarksburg, shall be held on the first Mondays of June and November, annually.

Approved, March 3, 1835.

[No. 37.]—AN ACT to authorize the removal of the Land Office at Wapaughkoneta to Lima, in the State of Ohio.

Be it enacted, &c., That the land office at present established at Wapaughkoneta, in the State of Ohio, be removed to Lima, in Allen county, in the same State.

Approved, March 3, 1835.

[No. 38.]—AN ACT to authorize the city council of St. Augustine to widen a street in the town of St. Augustine.

Be it enacted, &c., That the city council of St. Augustine, in the Territory of Florida, be, and they are hereby, authorized to cause to be opened to a convenient width, for the passage of carriages, the street leading from the public square in said city to the new bridge constructed by the United States over the St. Sebastian's river, and now the main approach to the town of St. Augustine; and the United States hereby relinquish for that object so much of any public lot as may border upon said street, and may be indispensable to make it of convenient width: *Provided*, Such change and widening said street shall not extend to the removal or injury of any building situated on ground belonging to the United States, and that the width of said street shall not exceed eighty feet.

Approved, March 3, 1835.

[No. 39.]—AN ACT to establish branches of the Mint of the United States.

Be it enacted, &c., That branches of the mint of the United States shall be established as follows: one branch at the city of New Orleans, for the coinage of gold and silver; one branch at the town of Charlotte, in Mecklenburg county, in the State of North Carolina, for the coinage of gold only; and one branch at or near Dahlohnega, in Lumpkin county, in the State of Georgia, also for the coinage of gold only. And for the purpose of purchasing sites, erecting suitable buildings, and completing the necessary combinations of machinery for the several branches aforesaid, the following sums, to be paid out of any money in the treasury not otherwise appropriated, shall be, and hereby are, appropriated: for the branch at New Orleans, the sum of two hundred thousand dollars; for the branch at Charlotte, fifty thousand dollars; for the branch at Dahlohnega, fifty thousand dollars.

Sec. 2. *And be it further enacted*, That, so soon as the necessary buildings are erected for the purpose of well-conducting the business of each of the said branches, the following officers shall be appointed upon the nomination of the President, and by and with the advice and consent of the Senate: one superintendent, one treasurer, one assayer, one chief coiner, one melter, and one refiner. And the superintendent of each mint shall engage and employ as many clerks and as many subordinate workmen and servants as shall be provided for by law; and the salaries of the said officers and clerks shall be as follows:

For the branch at New Orleans, to the superintendent, the sum of two thousand five hundred dollars; to the treasurer, the sum of two thousand dollars; to the chief coiner, the sum of two thousand dollars; to the assayer, melter, and refiner, the sum of two thousand dollars each; to two clerks, the sum of twelve hundred dollars each; to the subordinate workmen and servants, not exceeding twenty in number, such wages and allowances as are customary and reasonable, according to their respective stations and occupations. For the branches at Charlotte and Dahlohnega, to the superintendents, each, the sum of two thousand dollars; who shall respectively discharge the duty of treasurers; to the chief coiners, each, the sum of one thousand five hundred dollars; to the assayers, melters, and refiners, each, the sum of one thousand five hundred dollars; to the clerks, not exceeding one at each branch, the sum of one thousand dollars; and to the subordinate workmen and servants, not exceeding the number of five at each of the said branches, such wages and allowances shall be paid as are customary and reasonable, according to their respective stations and occupations. And for the purpose of paying the said salaries, wages, allowances, and the incidental expenses of the said branches of the mint, for the year one thousand eight hundred and thirty-five, the following sums, to be paid out of any money in the treasury not otherwise appropriated, be, and the same hereby are, appropriated: for the branch at New Orleans, the sum of thirty-five thousand dollars; for the branches at Charlotte and Dahlohnega, the sum of fifteen thousand dollars each.

Sec. 3. *And be it further enacted*, That the officers and clerks to be appointed under this act, before entering upon the duties thereof, shall take an oath or affirmation, before some judge of the United States, faithfully and diligently to perform the duties thereof, and shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Director of the Mint and the Secretary of the Treasury, with condition for the faithful and diligent performance of the duties of their offices.

Sec. 4. *And be it further enacted*, That the general direction of the business of the said branches of the Mint of the United States shall be under the control and regulation of the Director of the Mint at Philadelphia, subject to the approbation of the Secretary of the Treasury; and for that purpose it shall be the duty of the said Director to prescribe such regulations and require such returns periodically and occasionally as shall appear to him to be necessary for the purpose of carrying into effect the intention of this act in establishing the said branches; also, for the purpose of discriminating the coin which shall be stamped at each branch, and at the mint itself; also, for the purpose of preserving uniformity of weight, form, and fineness, in the coins stamped at each place; and, for that purpose, to require the transmission and delivery to him, at the Mint, from time to time, such parcels of the coinage of each branch as he shall think proper, to be subjected to such assays and tests as he shall direct.

Sec. 5. *And be it further enacted*, That all the laws and parts of laws made for the regulation of the mint of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offences connected with the mint or coinage of the United States, shall be, and the same are hereby, declared to be in full force in relation to each of the branches of the mint by this act established, so far as the same shall be applicable thereto.

Approved, March 3, 1835.

[No. 40.]—AN ACT in amendment of the acts for the punishment of offences against the United States.

Be it enacted, &c., That if any one or more of the crew of any American ship or vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United Shates, shall unlawfully, wilfully, and with force, or by fraud, threats, or other intimidations, usurp the command of such ship or vessel from the master or other lawful commanding officer thereof, or deprive him of his authority and command on board thereof, or resist or prevent him in the free and lawful exercise thereof, or transfer such authority and command to any other person not lawfully entitled thereto, every such person so offending, his aiders or abetters, shall be deemed guilty of a revolt or mutiny and felony, and shall, on conviction thereof, be punished by fine not exceeding two thousand dollars, and by imprisonment and confinement to hard labor not exceeding ten years, according to the nature and aggravation of the offence. And the offence of making a revolt in a ship, which now is, under and in virtue of the eighth section of the act of Congress, passed the thirtieth day of April, in the year of our Lord one thousand seven hundred and ninety, punishable as a capital offence, shall, from and after the passage of the present act, be no longer punishable as a capital offence, but shall be punished in the manner prescribed in the present act, and not otherwise.

Sec. 2. *And be it further enacted,* That if any one or more of the crew of any American ship or vessel on the high seas, or any other waters within the admiralty and maritime jurisdiction of the United States, shall endeavor to make a revolt or mutiny on board such ship or vessel, or shall combine, conspire, or confederate, with any other person or persons on board to make such revolt or mutiny, or shall solicit, incite, or stir up, any other or others of the crew to disobey or resist the lawful orders of the master or other officer of such ship or vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust therein, or shall assemble with others in a tumultuous and mutinous manner, or make a riot on board thereof, or shall unlawfully confine the master or other commanding officer thereof, every such person so offending shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

Sec. 3. *And be it further enacted,* That if any master or other officer of any American ship or vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States shall, from malice, hatred, or revenge, and without justifiable cause, beat, wound, or imprison, any one or more of the crew of such ship or vessel, or withhold from them suitable food and nourishment, or inflict upon them any cruel and unusual punishment, every such person so offending shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both, according to the nature and aggravation of the offence.

Sec. 4. *And be it further enacted,* That whenever any person indicted for any offence against the United States, whether capital or otherwise, shall upon his arraignment stand mute, or will not plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party shall plead not guilty, or such plea shall be entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury. And in all trials in capital cases, if the party indicted shall peremptorily challenge above the number of jurors allowed by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if the said challenges had not been made.

Sec. 5. *And be it further enacted,* That whenever any person shall be convicted of any offence against the United States which is punishable by fine and imprisonment, or by either, it shall be lawful for the court by which the sentence is passed to order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is holden, the use of which shall be allowed and authorized by the Legislature of the State for such purpose. And the expenses attendant upon the execution of such sentence shall be paid by the United States.

Approved, March 3, 1835.

[No. 41.]—AN ACT making appropriations for certain roads, and for examinations and surveys, for the year one thousand eight hundred and thirty-five.

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, to be paid out of any unappropriated money in the treasury, for certain roads, and for making examinations and surveys, for the year one thousand eight hundred and thirty-five, viz:

For the road from Detroit to Fort Gratiot, three thousand dollars.

For the road from Detroit to Saganaw bay, ten thousand dollars.

For the road from Detroit to Grand river of Lake Michigan, twenty-five thousand dollars.

For the road from Detroit towards Chicago, in the Territory of Michigan, ten thousand dollars.

For the road from La Plaisance bay, to intersect the road to Chicago, within the Territory of Michigan, ten thousand dollars.

For the construction of a road from a point opposite to Memphis, to William Strong's house, on St. Francis river, in the Territory of Arkansas, in addition to the balance of former appropriation, one hundred and six thousand dollars.

For defraying the expenses incidental to making examinations and surveys under the act of thirtieth April, eighteen hundred and twenty-four, twenty-five thousand dollars.

For repairing the military road in Florida, from Pensacola to Tallahassee, and thence to St. Augustine, fifteen thousand dollars.

For the payment of Isaiah Frost, for work heretofore done by him on the Cumberland road, the sum of three hundred and twenty dollars.

Approved, March 3, 1835.

[No. 42.]—AN ACT granting to the borough of Michilimackinac certain grounds for public purposes.

Be it enacted, &c., That there be, and there is hereby, granted to the corporation of the borough of Michilimackinac, for public purposes exclusively, a lot of ground, containing, by estimation, eight acres, heretofore used as a common by the inhabitants of said borough, lying between a lot of land the property of Dr. David Mitchell, and another lot of land the property of the heirs of Ezekiel Solomon, deceased.

Approved, March 3, 1835.

[No. 43.]—AN ACT further to extend the time allowed for the execution of the duties of the commission for carrying into effect the convention with France.

Be it enacted, &c., That the commission created by an act entitled "An act to carry into effect the convention between the United States and his Majesty the King of the French, concluded at Paris on the fourth day of July, eighteen hundred and thirty-one," approved July thirtieth, eighteen hundred and thirty-two, shall be, and is hereby, continued until the first day of January, eighteen hundred and thirty-six, for the execution of the duties prescribed by said act.

Approved, March 3, 1835.

[No. 44.]—AN ACT further to suspend the operation of certain provisos of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth day of July, one thousand eight hundred and thirty-two.

Be it enacted, &c., That the provisos of the tenth and twelfth clauses of the second section of the "Act to alter and amend the several acts imposing duties on imports," passed on the fourteenth day of July, one thousand eight hundred and thirty-two, be, and the same are hereby, further suspended, until the end of the next session of Congress.

Approved, March 3, 1835.

[No. 45.]—AN ACT to authorize the construction of a Railroad upon the public lands, from Tallahassee to St. Marks, in Florida.

Be it enacted, &c., That the president, directors, and stockholders, organized in virtue of an act of incorporation from the Governor and Legislative Council of the Territory of Florida, be, and they are hereby, authorized to construct said road upon the public lands of the United States, so far as the line of said road has been or shall be made to pass through the same.

Sec. 2. *And be it further enacted,* That there be granted to the said railroad company the land over which the said road shall pass, and thirty feet on each side of the same; and the said company shall have the privilege of using the timber on the public lands, for one hundred yards on each side of said railroad, in the construction and repair of said road.

Sec. 3. *And be it further enacted,* That there shall be, and is hereby, granted to the said railroad company, ten acres of land, at the junction of the St. Marks and Waculla rivers, (the point where the road terminates,) exclusive of such portions as shall be actually improved by individuals, and now in their occupancy, and also exclusive of such portions as, in the opinion of the President, it may be expedient to preserve for the national defence, or other public use: *Provided, nevertheless,* That the several grants contained in this act shall revert to the Government of the United States, unless the said railroad be begun in five years from the passage of this act, and completed within ten years thereafter.

Sec. 4. *And be it further enacted,* That the foregoing provisions shall extend to two companies organized under the authority of acts of the Legislature of Alabama and of the Governor and Legislative Council of the Territory of Florida, for a railroad from Pensacola to the Chatahoochee river near Columbus, in Georgia, and to such other point designated in the act of the Legislature of Alabama in said State.

And, also, another railroad authorized by acts of the Legislature of the State of Georgia and the Territory of Florida, from the Saint John's river in East Florida, to the Suwannee river in said Territory, or to Vacasom bay, at the mouth of said river.

And all the rights, privileges, and authority, conferred in the first and second sections of this act, shall extend to the said companies mentioned in this section; and subject to the proviso of the third section, as to the time within which the railroads shall be commenced and completed.

Approved, March 3, 1835.

[No. 46.]—AN ACT to continue the office of Commissioner of Pensions.

Be it enacted, &c., That the office of Commissioner of Pensions shall be, and the same is hereby, continued for the term of two years from and after the fourth day of March next, and no longer.

Sec. 2. *And be it further enacted,* That a Commissioner of Pensions shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and that he shall execute, under the direction of the Secretary of War, such duties, in relation to the various pension laws, as may be prescribed by the President.

Sec. 3. *And be it further enacted,* That the said Commissioner shall receive an annual salary of twenty-five hundred dollars, and he shall also have the privilege of franking.

Sec. 4. *And be it further enacted,* That the duties heretofore required of and performed by the Secretary of the Treasury, under the provisions of the act approved on the fifteenth of May, one thousand eight hundred and twenty-eight, granting allowances to the officers and soldiers of the revolutionary army, and in relation to Virginia claims for revolutionary services and deficiency of commutation, be, and the same are hereby, transferred to and made the duties of the Secretary of War, from and after the first day of June next.

Approved, March 3, 1835.

[No. 47.]—AN ACT authorizing the construction of a dry dock for the naval service.

Sec. 1. *Be it enacted,* &c., That the Secretary of the Navy, under the direction of the President of the United States, be, and he is hereby, authorized to purchase a site, should it be deemed most advisable, and to cause a dry dock for the naval service to be constructed, upon the most approved plan, in the harbor of New York or its adjacent waters; and that toward defraying the expense thereof the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1835.

[No. 48]—AN ACT supplementary to the act of the fourth of July, eighteen hundred and thirty-two, entitled "An act for the final adjustment of the claims for lands in the southeastern district of Louisiana.

Sec. 1. *Be it enacted,* &c., That the claims for lands, within the southeastern district of the State of Louisiana, described by the register and receiver of the said district in their report to the Secretary of the Treasury, bearing date the fifth of September, eighteen hundred and thirty-three, at New Orleans, be, and the same are hereby, confirmed against any claim on the part of the United States, except the different applications hereinafter specified, to wit: in class A of said report, the following numbers, three, ten, twenty-five, thirty-two, thirty-eight, and forty-six.

In class B of said report, the following numbers: twenty-six, twenty-eight, twenty-nine, nineteen, twenty-three, forty-seven, thirteen, thirty-five, forty-two, and forty-three.

In class C of said report, the following numbers: six, one hundred and eighty-six, two hundred and twenty, two hundred and twenty-one, and eighty-six, eighty-four and eighty-five, forty, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and ninety-one, one hundred and ninety-eight.

Sec. 2. *And be it further enacted,* That it shall be the duty of the register and receiver in said district to make out a full and perfect transcript of all the title papers, and of the evidence in their office, in relation to the numbers excepted in the first section of this act; and report the same to the Secretary of the Treasury, with such other and further information in relation to said claims as may be directed by the Secretary of the Treasury, for the final and just settlement of said claims on or before the commencement of the next session of Congress; and he is hereby required and directed to report the same to Congress as early as practicable thereafter, with his opinion touching the validity of said claims.

Approved, March 3, 1835.

[No. 49.]—AN ACT to render permanent the present mode of supplying the army of the United States, and fixing the salary of certain clerks therein named.

Sec. 1. *Be it enacted*, &c., That the seventh, eighth, ninth, and tenth sections of the act entitled "An act regulating the staff of the army," passed April fourteenth, eighteen hundred and eighteen, be, and the same are hereby, continued in force until repealed by Congress.

Sec. 2. *And be it further enacted*, That the principal clerk in the office of the Commissary General of Subsistence shall receive the annual sum of sixteen hundred dollars, one of the other clerks the sum of twelve hundred dollars, and the other clerk the sum of one thousand dollars, to be paid for the year eighteen hundred and thirty-five out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1835.

[No. 50.]—AN ACT making appropriations for Indian annuities and other similar objects, for the year eighteen hundred and thirty-five.

Sec. 1. *Be it enacted*, &c., That the following sums be, and the same are hereby, appropriated for the objects hereinafter mentioned, to be paid out of any money in the treasury not otherwise appropriated, that is to say:

TO THE SIX NATIONS OF INDIANS IN NEW YORK.

For the permanent annuity stipulated in the sixth article of the treaty with them of the eleventh of November, seventeen hundred and ninety-four, four thousand five hundred dollars.

For the annuity to the young king, a chief, for life, as provided for by the act of the twenty-sixth of April, eighteen hundred and twenty-six, two hundred dollars.

TO THE SENECAS OF NEW YORK.

For the permanent annuity, in lieu of interest on stock provided for by the act of the nineteenth of February, eighteen hundred and thirty-one, six thousand dollars.

TO THE OTTOWAS.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand five hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one, one thousand dollars.

TO THE WYANDOTS.

For the permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaties of the twenty-ninth of September, eighteen hundred and seventeen, and the seventeenth of September, eighteen hundred and eighteen, four thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the tenth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, seven hundred and twenty dollars.

For the purchase of iron, steel, &c., for shop, two hundred and twenty dollars.

TO THE WYANDOTS, MUNSEES, AND DELAWARES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the fourth of July, eighteen hundred and five, one thousand dollars.

TO THE CHRISTIAN INDIANS.

For the permanent annuity, per act of the 30th of May, eighteen hundred and twenty-six, four hundred dollars.

TO THE MIAMIES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the twenty-third of October, eighteen hundred and twenty-six, twenty-five thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the sixth article of same treaty, two thousand dollars.

For the pay of eight laborers, stipulated in the fourth article of same treaty, four hundred and eighty dollars.

For the purchase of two thousand pounds of iron, two hundred and fifty pounds of steel, and one thousand pounds of tobacco, stipulated in the same, six hundred and twenty dollars.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For the support of a miller, in lieu of a gunsmith, stipulated in the same, six hundred dollars.

For the purchase of one hundred and sixty bushels of salt, stipulated in the same, three hundred and twenty dollars.

TO THE EEL RIVERS.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five, two hundred and fifty dollars.

For the permanent annuity, stipulated in the third and separate article of the treaty of the thirtieth of September, eighteen hundred and nine, three hundred and fifty dollars.

TO THE POTTAWATTAMIES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred and forty dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen, two thousand five hundred dollars.

For the limited annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one, five thousand dollars.

For the limited annuity, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in same, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., stipulated in same, two hundred and twenty dollars.

For the support of a miller, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, six hundred dollars.

For the purchase of one hundred and sixty bushels of salt, stipulated in same, three hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two thousand dollars.

For the limited annuities, stipulated in same, one thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in same, one thousand dollars.

For the annuity to the principal chief, for life, stipulated in same, one hundred dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the purchase of two thousand pounds of tobacco, stipulated in same, two hundred and forty dollars.

For the pay of three laborers, stipulated in same, three hundred and sixty dollars.

TO THE POTTAWATTAMIES OF HURON.

For the permanent annuity, stipulated in the second article of the treaty with them of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

TO THE POTTAWATTAMIES OF THE PRAIRIE.

For the limited annuity, stipulated in the third article of the treaty with them of the twentieth October, eighteen hundred and thirty-two, fifteen thousand dollars.

For the annuity of three chiefs, for life, stipulated in same, one thousand dollars.

TO THE POTTAWATTAMIES OF THE WABASH.

For the limited annuity, stipulated in the third article of the treaty with them of the twenty-sixth of October, eighteen hundred and thirty-two, twenty thousand dollars.

TO THE POTTAWATTAMIES OF INDIANA.

For the limited annuity, stipulated in the fourth article of the treaty with them of the twenty-seventh of October, eighteen hundred and thirty-two, fifteen thousand dollars.

For the purpose of education, during the pleasure of Congress, stipulated in same, two thousand dollars.

TO THE CHIPPEWAS, OTTAWAS, AND POTTAWATTAMIES.

For the support of a blacksmith and assistant, stipulated in the second article of the treaty with them of the twenty-ninth of July, eighteen hundred and twenty-nine, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For the purchase of fifty barrels of salt, stipulated in same, one hundred and twenty-five dollars.

TO THE WINNEBAGOES.

For the limited annuities, stipulated in the second article of the treaty with them of the first of August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For the purchase of fifty barrels of salt, stipulated in same, one hundred and twenty-five dollars.

For the purchase of three thousand pounds of tobacco, stipulated in same, three hundred dollars.

For the support of three blacksmiths and assistant, stipulated in the third article, two thousand one hundred and sixty dollars.

For iron and steel, &c., six hundred and sixty dollars.

For the pay of laborers, and for oxen, stipulated in same, three hundred and sixty-five dollars.

For the limited annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, ten thousand dollars.

For the purpose of education, stipulated in the fourth article of same, three thousand dollars.

For the support of six agriculturists, and purchase of oxen, ploughs, and agricultural implements, stipulated in the fifth article of same, two thousand five hundred dollars.

For the purchase of one thousand five hundred pounds of tobacco, stipulated in same, one hundred and fifty dollars.

For the services of two physicians, stipulated in same, four hundred dollars.

TO THE MENOMONEES.

For the support of five farmers, and five females, house-keepers, stipulated in the second article of the treaty with them of the fifth of February, eighteen hundred and thirty-one, four thousand dollars.

For the support of a miller, stipulated in same, six hundred dollars.

For the support of three blacksmiths and assistant, stipulated in same, two thousand one hundred and sixty dollars.

For the purchase of iron and steel, &c., six hundred and sixty dollars.

For the limited annuity, stipulated in same, six thousand dollars.

For the purposes of education, stipulated in the fifth article of same, five hundred dollars.

For the purchase of provisions, stipulated in the sixth article of same, one thousand dollars.

TO THE CHIPPEWAS.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the support of a blacksmith and assistant at Michilimackinac, seven hundred dollars.

For the purchase of iron, steel, &c., two hundred and twenty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, one thousand dollars.

For the support of a blacksmith at Saginaw, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, fixed by the act of the fifteenth of May, eighteen hundred and twenty, two thousand dollars.

For the purposes of education, during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six, one thousand dollars.

TO THE CHIPPEWAS, MENOMONEES, WINNEBAGOES, AND NEW YORK INDIANS.

For the purposes of education, during the pleasure of Congress, stipulated in the fifth article of the treaty with them of the eleventh of August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

TO THE SIOUX OF MISSISSIPPI.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, seven hundred dollars.

TO THE YANCTON AND SANTIE BANDS.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, four hundred dollars.

TO THE OMAHAS.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, five hundred dollars.

TO THE SACS OF MISSOURI.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, five hundred dollars.

For the support of a blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, two hundred dollars.

TO THE SACS.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE FOXES.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE IOWAYS.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty with them of the fourth of August, eighteen hundred and twenty-four, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, four hundred dollars.

For the limited annuity, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of an assistant blacksmith, stipulated in same, four hundred and eighty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, six hundred dollars.

TO THE SACS AND FOXES.

For the permanent annuity, stipulated in the third article of the treaty with them of the third of November, eighteen hundred and four, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, sixty dollars.

For the limited annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, twenty thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the purchase of forty barrels of salt, stipulated in same, two hundred dollars.

For the purchase of forty kegs of tobacco, stipulated in same, four hundred dollars.

TO THE SACS, FOXES, AND IOWAYS.

For the purposes of education, stipulated in the fifth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, three thousand dollars.

TO THE OTTOES AND MISSOURIAS.

For the limited annuity, stipulated in the fourth article of the treaty with them of the fifteenth of July, eighteen hundred and thirty, two thousand five hundred dollars.

For the support of blacksmith and assistant, stipulated in same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural implements, stipulated in same, five hundred dollars.

For the purposes of education, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-three, five hundred dollars.

For the support of two farmers, stipulated in the fifth article of the same, one thousand two hundred dollars.

TO THE KANZAS.

For the limited annuity, stipulated in the third article of the treaty with them of the third of June, eighteen hundred and twenty-five, three thousand five hundred dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural assistance, stipulated in same, one thousand six hundred dollars.

TO THE OSAGES.

For the permanent annuity, stipulated in the fifth article of the treaty with them of the tenth of November, eighteen hundred and eight, one thousand five hundred dollars.

For the limited annuity, stipulated in the third article of the treaty of the second of June, eighteen hundred and twenty-five, seven thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For agricultural assistance, stipulated in same, one thousand six hundred dollars.

TO THE KICKAPOOS.

For the limited annuity, stipulated in the fourth article of the treaty with them of the twenty-fourth of October, eighteen hundred and thirty-two, five thousand dollars.

For the support of a blacksmith's establishment, stipulated in the fifth article of the same, one thousand dollars.

For the purposes of education, stipulated in the seventh article of the same, five hundred dollars.

TO THE KASKASKIAS AND PEORIAS.

For the limited annuity, stipulated in the fifth article of the treaty with them of the twenty-seventh of October, eighteen hundred and thirty-two, three thousand dollars.

For agricultural implements, stipulated in the sixth article of the same, fifty dollars.

TO THE KASKASKIAS, PEORIAS, WEAS, AND PIANKESHAWS.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty with them of the twenty-ninth of October, eighteen hundred and thirty-two, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

TO THE PIANKESHAWS.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five, three hundred dollars.

For agricultural implements, stipulated in the third article of the treaty of the twenty-ninth of October, eighteen hundred and thirty-two, five hundred dollars.

TO THE WEAS.

For the permanent annuity, stipulated in the fifth article of the treaty with them of the second of October, eighteen hundred and eighteen, three thousand dollars.

TO THE DELAWARES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, one hundred dollars.

For the permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For the permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen, four thousand dollars.

For the support of a blacksmith and assistant, stipulated in the sixth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the permanent annuity, stipulated in the supplemental treaty of the fourteenth of September, eighteen hundred and twenty-nine, one thousand dollars.

For the annuity to three chiefs, stipulated in the supplemental treaty of the twenty-sixth of October, eighteen hundred and thirty-two, three hundred dollars.

TO THE SHAWANEES.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, sixty dollars.

For the permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the seventh of November, eighteen hundred and twenty-five, seven hundred and twenty dollars.

For the purchase of iron and steel, &c. two hundred and twenty dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

TO THE SHAWANEES AND DELAWARES.

For the purposes of education, stipulated in the second article of the treaty with them of the twenty-sixth of October, eighteen hundred and thirty-two, five hundred dollars.

For the support of a miller, stipulated in the same, five hundred dollars.

TO THE SHAWANEES AND SENECAS OF LEWISTOWN.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

TO THE SENECAS OF LEWISTOWN.

For the permanent annuity, stipulated in the fourth article of the treaties with them of the twenty-ninth of September, eighteen hundred and seventeen, and the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the support of a miller, stipulated in same, six hundred dollars.

TO THE CHOCTAWS.

For the annuity, during the pleasure of the United States, stipulated in the fifth article of the treaty with them of the seventeenth of December, eighteen hundred and one, two thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the sixteenth of November, eighteen hundred and five, three thousand dollars.

For the limited annuity, stipulated in the second article of the treaty of the twenty-fourth of October, eighteen hundred and sixteen, six thousand dollars.

For the permanent annuity, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty, six hundred dollars.

For annuity to a chief, stipulated in the fourteenth article of same, one hundred and fifty dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twentieth of January, eighteen hundred and twenty-five, six thousand dollars.

For the limited annuity, stipulated in the third article of same, six thousand dollars.

For annuity to a chief, stipulated in the tenth article of same, one hundred and fifty dollars.

For the limited annuity, stipulated in the seventeenth article of the treaty of the twenty-seventh of September, eighteen hundred and thirty, twenty thousand dollars.

For the purposes of education, stipulated in the twentieth article of same, twelve thousand five hundred dollars.

For the support of three blacksmiths and assistants, stipulated in same, two thousand one hundred and sixty dollars.

For the purchase of iron and steel, &c., six hundred and sixty dollars.

For the support of a millwright, stipulated in same, six hundred dollars.

For the annuity to the chief, stipulated in the fifteenth article of same, one thousand one hundred dollars.

For the annuity to the speakers, secretaries, and captains, stipulated in same, five thousand one hundred and seventy-five dollars.

For annuity to warriors, stipulated in same, five hundred dollars.

TO THE CHICKASAWS.

For the permanent annuity, as provided for by the act of the twenty-fifth of February, seventeen hundred and ninety-nine, three thousand dollars.

For the purposes of education, stipulated in the second article of the treaty with them of the twenty-fourth of May, eighteen hundred and thirty-four, three thousand dollars.

For the purposes of education for the year eighteen hundred and thirty-four, as authorized by the second supplemental article of the treaty with the Chickasaws of the twenty-fourth of May, eighteen hundred and thirty-four, three thousand dollars.

TO THE CREEKS.

For the permanent annuity, stipulated in the fourth article of the treaty with them of the seventh of August, seventeen hundred and ninety, one thousand five hundred dollars.

For the permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two, three thousand dollars.

TO THE CREEKS, EAST.

For the limited annuity, stipulated in the eighth article of the treaty with them of the twenty-fourth of March, eighteen hundred and thirty-two, twelve thousand dollars.

For the support of a blacksmith and assistant, stipulated in the thirteenth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the purposes of education, stipulated in the thirteenth article of the same, three thousand dollars.

For the annuity to three chiefs, stipulated in the eleventh article of the same, four hundred dollars.

TO THE CREEKS, WEST.

For the limited annuity, stipulated in the fourth article of the treaty with them of the twenty-fourth of January, eighteen hundred and twenty-six, twenty thousand dollars.

For the support of a blacksmith and assistant, stipulated in the eighth article of the same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the support of a wheelwright, stipulated in the same, six hundred dollars.

For agricultural implements, stipulated in the eighth article of the same, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the support of a wheelwright or wagon-maker, stipulated in the same, six hundred dollars.

For the purposes of education, during the pleasure of the President, stipulated in same, one thousand dollars.

TO THE CHEROKEES.

For the permanent annuity, stipulated in the third and sixth articles of the treaty with them of the sixth of June, seventeen hundred and ninety-four, and the second of October, seventeen hundred and ninety-eight, six thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twenty-fourth of October, eighteen hundred and four, one thousand dollars.

For the permanent annuity, stipulated in the second article of the treaty of the twenty-fifth of October, eighteen hundred and five, three thousand dollars.

TO THE QUAPAWS.

For the purposes of education, during the pleasure of the President, stipulated in the third article of the treaty with them of the thirteenth of May, eighteen hundred and thirty-three, one thousand dollars.

For the limited annuity, stipulated in the fourth article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two thousand dollars.

For the support of a blacksmith and assistant, stipulated in the third article of same, seven hundred and twenty dollars.

For the purchase of iron and steel, &c., two hundred and twenty dollars.

For the support of a farmer, stipulated in same, six hundred dollars.

For the pay of an interpreter, stipulated in the sixth article of same, three hundred dollars.

TO THE FLORIDA INDIANS.

For the limited annuity, stipulated in the third article of the treaty with them of the eighteenth of September, eighteen hundred and twenty-three, four thousand six hundred and ten dollars.

For the support of a blacksmith's establishment, stipulated in the sixth article of same, one thousand dollars.

For the purposes of education, stipulated in same, one thousand dollars.

TO THE PAWNEES.

For the limited annuity, stipulated in the third article of the treaty with them of the ninth October, eighteen hundred and thirty-three, four thousand six hundred dollars.

For agricultural implements, stipulated in the fourth article of same, two thousand dollars.

For the purposes of education, stipulated in the fifth article of same, one thousand dollars.

For the support of two blacksmiths' establishments, stipulated in the sixth article of same, two thousand dollars.

For the support of four farmers, stipulated in the seventh article of same, two thousand four hundred dollars.

TO THE CHEROKEES, WEST.

For the purposes of education, stipulated in the fifth article of the treaty with them of the sixth of May, eighteen hundred and twenty-eight, two thousand dollars.

For the support of four blacksmiths and assistants, stipulated in the fourth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, two thousand eight hundred and eighty dollars.

For the purchase of iron and steel, &c., eight hundred and eighty dollars.

For the support of a wagon-maker and a wheelwright, stipulated in same, one thousand two hundred dollars.

For the expenses of transportation and distribution of annuities, salt, agricultural implements, tobacco, tools, &c., and other incidental expenses, twenty-nine thousand five hundred dollars.

For the removal of five thousand Seminoles to their lands west of the Mississippi, under the seventh article of the treaty with them of the ninth of May, eighteen hundred and thirty-two, thirty-three thousand three hundred and thirty-three dollars and thirty-three cents.

For the subsistence of the same for twelve months after their arrival west of the Mississippi, stipulated in the same, forty-eight thousand six hundred and sixty-six dollars and sixty-seven cents.

For a blanket and homespun frock to each individual of the same, stipulated in the third article of the same treaty, twenty-seven thousand five hundred dollars.

For the difference in value of cattle abandoned by them on the east, and of those to be delivered to them west oft he Mississippi, stipulated in the fifth article of the same treaty, two thousand five hundred dollars.

For the removal of five hundred Quapaws from the Arkansas Territory to their lands west of the Mississippi, stipulated in the third article of the treaty with them of the thirteenth of May, eighteen hundred and thirty-three, three thousand five hundred dollars.

For the subsistence of the same for twelve months after their arrival west of the Mississippi, stipulated in same, fourteen thousand six hundred dollars.

For the subsistence of one thousand five hundred Choctaws, west of the Mississippi, from April, eighteen hundred and thirty-four, to April, eighteen hundred and thirty-five, under the provisions of the sixteenth article of the treaty of Dancing Rabbit creek of the twenty-seventh September, eighteen hundred and thirty, forty-three thousand eight hundred dollars.

For the purchase of looms and wheels, &c. &c. stipulated in the twentieth article of the same treaty, in addition to appropriations heretofore made, eleven thousand eight hundred dollars.

For the removal of one thousand Cherokees to the west of the Mississippi, under the provisions of the eighth article of the treaty of the sixth of May, eighteen hundred and twenty-eight, twenty thousand dollars.

For the subsistence of same for twelve months after their arrival west of the Mississippi, stipulated in the same treaty, twenty-five thousand five hundred dollars.

For the expense of certifying contracts for Creek reservations, under the provisions of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, one thousand eight hundred dollars.

For the expense of locating reservations under the provisions of the treaty with the Choctaws of the twenty-seventh of September, eighteen hundred and thirty, two thousand dollars.

To replace a portion of the annuity of the Chickasaws for the year eighteen hundred and thirty-two, stolen from the agent, in conformity with the provisions of the fourth article of the treaty with them of the twenty-fourth of May, eighteen hundred and thirty-four, one thousand dollars.

For holding treaties with the Caddo and Cammouche, and other wandering tribes of Indians, west of the State of Missouri and the Territory of Arkansas, ten thousand dollars.

For fulfilling the fifth article of the treaty with the Pottawattamies of the Wabash, dated October twenty-sixth, eighteen hundred and thirty-two, seven thousand three hundred and fifty-seven dollars and fifty cents.

For carrying into effect the treaties recently ratified with the Pottawattamies of Indiana, and for negotiating the same, five thousand four hundred and sixty-nine dollars.

For carrying into effect the treaty with the Chippewas, Ottawas, and Pottawattamies, concluded at Chicago, September twenty-sixth, eighteen hundred and thirty-three, one million thirty-two thousand six hundred and eighty-nine dollars and fifty-three cents.

For defraying the expenses of conducting said treaty, two thousand five hundred and thirty-six dollars and fifty-three cents.

For the expense of an exploring party, of fifty Pottawattamies, from the Chicago agency, to the west of the Mississippi, nine thousand four hundred and fifty-three dollars.

To defray the expenses which have been incurred, or may be incurred, in any negotiation with the Cherokees, for the cession of their claims in Georgia, Alabama North Carolina, and Tennessee, the sum of fourteen thousand one hundred and fifty-eight dollars seventy-five cents.

To defray the expenses of holding a treaty with the Caddo Indians, in Louisiana and Arkansas, the sum of five thousand dollars.

To repay William Marshall this sum, which he advanced by order of the commissioners holding a treaty with the Pottawattamie Indians, in October, eighteen hundred and thirty-two, one thousand four hundred and forty-four dollars and twenty-five cents.

For refunding to Captain William R. Jouett the expenses incurred in the necessary defence in two suits, brought by the American Fur Company, and Joseph Reuville, against him, in the District Court of the United States, at Mineral Point, in Michigan Territory, on actions of trespass, for having seized certain spirits belonging to them, while in command of Fort Snelling, and acting under orders from the War Department, and for the safety of said post, to prevent the said spirits from being used by the Indians, the sum of six hundred and forty-two dollars and thirty-seven cents.

Sec. 2. *And be it further enacted,* That if in the valuation made or to be made of the buildings, improvements, and other property belonging to the American Board of Commissioners for Foreign Missions, lying within the limits of the purchase made of the Choctaw tribe of Indians at the treaty of the Dancing Rabbit creek, it shall be found that the said valuation is less than the original cost of the same, in that case the estimated value shall be apportioned to the United States and the said American Board, pro rata, according to the sums advanced by them respectively towards the aforesaid buildings and improvements, and the amount thus found due to the said Board shall be paid to the trustees thereof out of any money in the treasury not otherwise appropriated.

Sec. 3. *And be it further enacted,* That the sum of eight hundred and ten dollars be paid to Mrs. Mitchell, wife of Edward Mitchell, for instructing the Choctaw Indians to spin and weave, in conformity with the request made by their chiefs and headmen to the President of the United States at the treaty of Doak's Stand.

Approved, March 3, 1835.

[No. 51.]—AN ACT granting a pension to Larnard Swallow.

Be it enacted, &c., That the Secretary of War be, and and he hereby is, directed to place on the pension roll of the United States the name of Larnard Swallow, of Fort Preble, in the State of Maine, and that there be allowed to said Larnard Swallow the sum of sixteen dollars a month during his natural life, to commence on the fourth day of July, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 52.]—AN ACT granting a pension to John Bryant.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the name of John Bryant, of the county of Stafford, in the State of New Hampshire, on the roll of invalid pensioners, and pay to him the sum of eight dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-five.

Approved March, 3, 1835.

[No. 53.]—AN ACT granting a pension to Solomon Case.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place on the pension roll of the United States the name of Solomon Case, of the town of Penfield, in the county of Monroe, and State of New York, and that there be allowed to the said Case the sum of four dollars per month during his natural life, to commence on the first day of January, one thousand eight hundred and thirty-five.

Approved, March 3, 1835.

[No. 54.]—AN ACT granting a pension to Thomas Morton.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the name of Thomas Morton, of the county of Gibson, in the State of Tennessee, on the roll of invalid pensioners, and to pay him eight dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 55.]—AN ACT for the relief of Timothy Jordan.

Be it enacted, &c., That the Secretary of War be, and he is hereby, required to place the name of Timothy Jordan, of the State of Maine, on the list of revolutionary pensioners, and to pay him a pension at the rate of forty dollars per annum, from the fourth day of March, eighteen hundred and thirty-one, and to continue during his natural life.

Approved, March 3, 1835.

[No. 56.]—AN ACT for the relief of Abraham E. Boutwell and David Pearson.

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized, directed, and empowered, to place the names of the following persons on the invalid pension roll of the United States, that is to say:

Abraham E. Boutwell, at the rate of six dollars per month, commencing on the first day of January, eighteen hundred and thirty-four, and that he pay him at that rate during his natural life; and David Pearson, at the rate of five dollars and thirty-three cents per month, commencing on the first day of January, eighteen hundred and thirty-four, and that he pay him at that rate during his natural life.

Approved, March 3, 1835.

[No. 57.]—AN ACT for the relief of John Ashton.

Be it enacted, &c., That the Secretary of War be, and he hereby is, directed to place the name of John Ashton, of Chatauque county, and State of New York, on the roll of invalid pensioners, and pay to him four dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 58.]—AN ACT granting a pension to Justus Cobb.

Be it enacted, &c., That the Secretary of War be directed to place the name of Justus Cobb, of the county of Addison, in the State of Vermont, on the roll of invalid pensioners, and to pay him six dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-five.

Approved, March 3, 1835.

[No. 59.]—AN ACT placing Captain Cole, a Seneca Indian chief, on the pension roll.

Be it enacted, &c., That the Secretary of War be ordered to place the name of Captain Cole, a warrior of the Onondaga tribe of Indians, on the pension roll, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and thirty-five.

Approved, March 3, 1835.

[No. 60.]—An act for the relief of Daniel Page.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to pay to Daniel Page, a revolutionary pensioner of the United States, the sum of eight dollars per month, from the fourth day of September, eighteen hundred and twenty-three, to the fourteenth day of August, eighteen hundred thirty-two.

Approved, March 3, 1835.

[No. 61.]—AN ACT granting a pension to Joseph Mead.

Be it enacted, &c., That the Secretary of War be, and he is hereby, required to place the name of Joseph Mead, of Rensselaer county, in the State of New York, on the roll of invalid pensioners, and pay to him at the rate of twenty-two dollars and fifty cents a month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 62.]—AN ACT granting a pension to John Gerodelle.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to pay to John Gerodelle, late a soldier in the corps of artillery, a pension at the rate of six dollars a month, commencing on the first day of January, eighteen hundred and thirty-four, and to continue during his natural life.

Approved, March 3, 1835.

[No. 63.]—AN ACT granting a pension to William Wilges.

Be it enacted, &c , That the Secretary of War be, and he is hereby, required to place the name of William Wilges, of Hartford county, in the State of Maryland, upon the roll of invalid pensioners, and to pay him at the rate of eight dollars a month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 64.]—AN ACT for the relief of Thomas Ball.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized, empowered, and directed, to inscribe on the invalid pension roll of the United States, Thomas Ball, of Georgetown, in the District of Columbia, at the rate of four dollars per month, commencing on the fourth day of March, one thousand eight hundred and twenty-three, and ending on the twenty-seventh day of December, one thousand eight hundred and thirty-one, in addition to the pension now received by him, and for arrears thereof.

Approved, March 3, 1835.

[No. 65.]—AN ACT for the relief of Peter Triplett.

Be it enacted, &c , That the Secretary of War be authorized to pay to Peter Triplett, of the State of Virginia, who is now a pensioner under the act entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," such sums of money as the said Triplett would have been entitled to receive had his name not been stricken from the roll of revolutionary pensioners after he was first placed thereon: *Provided*, That the said Secretary of War shall become satisfied, from proper testimony, that the said Triplett was in such indigent circumstances as to have been unable to support himself without the assistance of his country.

Approved, March 3, 1835.

[No. 66.]—AN ACT for the relief of John Moore.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized, empowered, and directed, to inscribe the name of John Moore, who was disabled in the service of the United States while a private in the volunteer militia of the State of New York, on the invalid pension roll of the United States, at the rate of four dollars per month, to commence from the twelfth day of November, eighteen hundred and thirty-two; which said sum of four dollars per month shall be paid to said John Moore for and during his natural life, at such times and in such manner as other pensioners of the United States are paid.

Approved, March 3, 1835.

[No. 67.]—AN ACT granting a pension to Noah Miller, an invalid major of the militia.

Be it enacted, &c., That the name of Noah Miller, a major in the militia of Massachusetts during the last war, be placed upon the list of invalid pensioners, at the rate of twenty dollars a month, commencing the first day of January, one thousand eight hundred and thirty-five.

Approved, March 3, 1835.

[No. 68.]—AN ACT for the relief of Benjamin Holland.

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place the name of Benjamin Holland on the invalid pension roll of the United States, at the rate of eight dollars per month, to commence on the first of January, eighteen hundred and thirty-five, and to continue during his natural life.

Approved, March 3, 1835.

[No. 69.]—AN ACT granting a pension to Isaac Eckright.

Be it enacted, &c., That the Secretary of War be directed to place the name of Isaac Eckright, of the county of Indiana and State of Pennsylvania, on the roll of invalid pensioners, and to pay to him four dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-five.

Approved, March 3, 1835.

[No. 70.]—AN ACT for the relief of Joseph Gilbert.

Be it enacted, &c., That the Secretary of War be authorized to pay to Joseph Gilbert, of the State of Virginia, who is now a pensioner under the act entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the revolutionary war," at the rate of eight dollars per month, from the fourth day of March, eighteen hundred and nineteen, when his name was dropped from the roll, up to the fourth day of March, eighteen hundred and twenty, and that he also pay him the like sum per month from the said fourth day of March, eighteen hundred and twenty, to the second day of November, eighteen hundred and thirty, when his pension was restored: *Provided*, That the Secretary of War be satisfied, from the usual proof, that the said Gilbert was embraced by the provisions of the act of May one, eighteen hundred and twenty.

Approved, March 3, 1885.

[No. 71.]—AN ACT for the relief of Joseph Swartwood.

Be it enacted, &c., That the Secretary of War be authorized, empowered, and directed, and he is hereby authorized, empowered, and directed, to pay to Joseph Swartwood, now an invalid pensioner, at and after the rate of four dollars per month, from and after the time when, by reason of the loss of his certificate, his pay ceased, until the time when the pension of the said Swartwood began to be paid under his present certificate; that amount being due to him, the said Swartwood, as arrears of his pension, and not having been paid by reason of the loss of his said certificate.

Approved, March 3, 1835.

[No. 72]—AN ACT for the relief of Stephen Gatlin.

Be it enacted, &c , That Stephen Gatlin, of the county of Greene, in the State of Georgia, be placed on the roll of invalid pensioners, and be paid at the rate of eight dollars per month, commencing on the first day of January, eighteen hundred and thirty-four.

Approved, March 3, 1835.

[No. 73.]—AN ACT granting a pension to Benjamin Leslie.

Be it enacted, &c., That the Secretary of War be authorized and directed to place the name of Benjamin Leslie on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 74]—AN ACT granting a pension to Samuel Shelmerdine.

Be it enacted, &c., That the Secretary of War be, and he is hereby, required to place the name of Samuel Shelmerdine, of the city and county of St. Louis, in the State Missouri, upon the roll of invalid pensioners, and to pay him at the rate of eight dollars per month during his natural life, commencing on the first day of January, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 75.]—AN ACT for the relief of Simeon Meachum, of the State of New York.

Be it enacted, &c., That the Secretary of War reinstate the name of Simeon Meachum, of the State of New York, on the roll of revolutionary pensioners, as on the twelfth day of July, one thousand eight hundred and twenty, and that he, the said Simeon Meachum, be paid, as arrears of his pension, at the rate of eight dollars a month from the day aforesaid, until the ninth day of July, one thousand eight hundred and twenty-three.

Approved, March 3, 1835.

[No. 76.]—AN ACT to provide for paying certain pensioners at Jackson, in the State of Tennessee.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and empowered to establish a pension agency at Jackson, in the State of Tennessee, for the payment of pensioners of the United States resident in the counties of Hardin, McNairy, Hardiman, Fayette, Shelby, Tipton, Haywood, Madison, Henderson, Perry, Carroll, Gibson, Dyer, Obion, Weakly, and Henry, in the State of Tennessee: *Provided,* That the establishment of such agency can be made without any charge to the United States.

Sec. 2. *And be it further enacted,* That the Secretary of the Treasury be, and hereby is, authorized to make the necessary arrangements for the payment of said pensioners.

Sec. 3. *And be it further enacted,* That this act shall not take effect until the first day of June next.

Approved, March 3, 1835.

[No. 77.]—AN ACT granting a pension to Isaac Janvier.

Be it enacted, &c., That the Secretary of War be, and he is hereby, required to place the name of Isaac Janvier, of the county of Newcastle, and State of Delaware, upon the roll of invalid pensioners, and pay him the sum of eight dollars per month during his natural life, commencing on the first day of January, in the year of our Lord one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 78.]—AN ACT granting a pension to Amasa A. Tifft.

Be it enacted, &c., That the Secretary of War be, and he is hereby, required to place the name of Amasa A. Tifft, of the county of Ontario, in the State of New York, upon the roll of invalid pensioners, and to pay to him at the rate of four dollars a month during his natural life, commencing on the first day of March, eighteen hundred and thirty-three.

Approved, March 3, 1835.

[No. 79.]—AN ACT for the relief of John Cullins, a soldier of the revolutionary war.

Be it enacted, &c., That the Secretary of War be, and he hereby is, directed to place the name of John Cullins, of the State of Ohio, on the invalid pension roll, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and thirty-four, and to continue during his, said Cullins's, natural life.

Approved, March 3, 1835.

[No. 80.]—AN ACT for the relief of Job Barton.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to pay to Job Barton, a soldier of the late war, with the rank of sergeant, a pension at the rate of four dollars per month, commencing on the fourth day of March, in the year one thousand eight hundred and twenty-eight, and to continue during his natural life, to be paid out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1835.

No. 81.]—AN ACT granting pensions to William Baden and James Harrington.

Be it enacted, &c., That the Secretary of War be, and is hereby, directed to place on the invalid pension roll of the United States the names of the following persons, whereupon they, and each of them, shall be entitled to receive the pensions severally set against their names, respectively, during life, that is to say:

William Baden, at the rate of eight dollars per month, commencing on the first day of April, one thousand eight hundred and thirty-four.

James Harrington, at the rate of eight dollars per month, commencing on the first day of April, one thousand eight hundred and thirty-four.

Approved, March 3, 1835.

[No. 82.]—AN ACT for the relief of Lemuel Tanner, assignee of Pierre Dufresne.

Be it enacted, &c., That Lemuel Tanner, assignee of Pierre Dufresne, be, and he is hereby, authorized to locate, within twelve months after the passage of this act, under the direction of the Surveyor General of Louisiana, on any unlocated lands in said State, a tract not exceeding six hundred and forty acres of land; which said tract shall be granted to the said Lemuel Tanner, in lieu of an equal quantity confirmed to him by the Register and Receiver, under a certificate number five hundred and eighty-eight; and that the proper officers of the Government be authorized and directed to issue a patent accordingly.

Approved, March 3, 1835.

[No. 83.]—AN ACT for the relief of John Dougherty, an Indian agent.

Be it enacted, &c., That the proper accounting officers be, and they hereby are, directed to adjust and settle the accounts of John Dougherty, as Indian agent, and to give him credit in such settlement for annuities paid by him to the chiefs and headmen of the Indians, when he had been instructed to make the payments to the heads of families, and to the Indians individually.

Approved, March 3, 1835.

[No. 84.]—AN ACT for the relief of James Young.

Be it enacted, &c., That the Commissioner of Public Buildings be, and he is hereby, required to convey, in fee simple, to James Young, or his assigns, lot number sixteen, square six hundred and eighty-six, in the city of Washington, upon the payment by said Young, or his assigns, for said lot, at the rate of one cent per square foot: *Provided, however,* That said Young, or his assigns, shall pay for said lot, at the rate aforesaid, within six months after the passage of this act.

Approved, March 3, 1835.

[No. 85.]—AN ACT for the relief of the heirs and legal representatives of Bailey E. Clarke.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to the heirs and legal representatives of Bailey E. Clarke, out of any money in the treasury not otherwise appropriated, two hundred dollars, which was paid into the treasury by William Bailey as the consideration money of lots numbers twenty and twenty-two, in square number five hundred and fourteen, sold to him by the commissioners of the city of Washington, the whole of which square had been previously sold and conveyed by the said commissioners to James Greenleaf; and which said lots were sold by the said Bailey to Joseph Combs, and by him to the said Bailey E. Clarke.

Approved, March 3, 1835.

[No. 86.]—AN ACT to extend the patent of Robert Eastman for a further period of seven years.

Be it enacted, &c., That there be, and hereby is, granted to Robert Eastman, a citizen of the United States, his heirs, administrators, and assigns, for the term of seven years from the fifteenth day of March, one thousand eight hundred and thirty-four, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, an invention called a "Circular Saw Clap-board Machine," a description of which is given in a schedule annexed to letters patent granted to the said Robert Eastman and Josiah Jacquith for the same, on the sixteenth day of March, one thousand eight hundred and twenty.

Approved, March 3, 1835.

[No. 87.]—AN ACT for the relief of Richard T. Archer.

Be it enacted, &c., That Richard T. Archer, of the State of Mississippi, be, and he is hereby, authorized to become the purchaser of the south half of section thirty-three, of township twenty, of range two east, of lands in the northwestern district of lands in the late Choctaw purchase, in the State of Mississippi, at the price of one dollar and twenty-five cents per acre, the said half section of land having been illegally reserved from the location of the said Archer, under an assignment of a grant from the trustees of Jefferson college, in the said State, at the public sale of lands at Chocchumas, in the month of October, in the year eighteen hundred and thirty-three.

Approved, March 3, 1835.

[No. 88.]—AN ACT for the relief of William O'Neal and Robert Morrison.

Be it enacted, &c., That the Secretary of the Treasury cause to be issued to William O'Neal, of the State of Indiana, a patent for the east half of the northwest quarter of section number thirty-one, of township number twenty-two north, of range number eleven east, in the Fort Wayne land district, upon his relinquishing to the United States the east half of the northwest quarter of section number thirty-one, of township number twenty-two north, of range number ten east, in the land district aforesaid, which was entered through mistake.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury cause to be issued to Robert Morrison, of the State of Indiana, patents for the northeast fourth of the southeast quarter of section twenty-one, in range two west, of township twenty north, and, also, for the southeast fourth of the northeast quarter of the same section, township, and range, within the Crawfordsville land district, in the State of Indiana, upon his relinquishing to the United States the southwest fourth of the southeast quarter, and the southeast fourth of the southwest quarter of the same section, township, and range, which was entered through mistake.

Approved, March 3, 1835.

[No. 89.]—AN ACT to authorize letters patent to be issued to Francis B. Ogden.

Be it enacted, &c., That letters patent be issued, in the usual form, to Francis B. Ogden, a citizen of the United States, for "an engine for producing motive power, whereby a greater quantity of power is obtained by a given quantity of fuel than heretofore," upon his complying with all the provisions of the several acts of Congress relative to the issuing of letters patent: *Provided*, That, instead of the oath required by law to be made by an inventor, it shall be sufficient for the said Francis B. Ogden to swear or affirm "that he does verily believe that he, in conjunction with one John Ericsson, a subject of the King of Sweden, is the true inventor of said engine:" *And provided, also*, That he shall further swear or affirm "that the said John Ericsson hath made to him a bonafide assignment of all the right, title, and interest of him, the said John, in and to the said invention in the United States of America."

Sec. 2. *And be it further enacted*, That the said letters patent, and all the privileges thereby granted to the said Francis B. Ogden, shall cease, determine, and become absolutely null and void, without resort to legal process, to repeal, annul, or cancel the same, in case the said Francis B. Ogden or his assigns shall fail to introduce the said invention into public use in the United States within two years from the passing of this act, or in case of his or their omission to continue such public use in the United States for the period of one entire year at any time after such introduction thereof.

Sec. 3. *And be it further enacted*, That no patent heretofore granted to the said Ogden and Ericsson, or to either of them, for said invention, in any foreign country, shall have the effect to invalidate the patent to be granted under and by virtue of this act.

Approved, March 3, 1835.

[No. 90.]—AN ACT for the relief of John Tice, assignee of William Pennington.

Be it enacted, &c., That John Tice, assignee of William Pennington, be, and he is hereby, authorized to select any quarter section of land in the tract heretofore assigned for military bounties, in the State of Illinois, not otherwise appropriated, and containing no more than one hundred and sixty acres, in lieu of the southeast quarter of section twenty-eight, of township eight north, in range one west, which was, on the seventeenth day of March, eighteen hundred and eighteen, patented to said Pennington in mistake. And on reporting the selection hereby authorized to the register of the proper land district, accompanied by a relinquishment to the United States of the title of said Tice to said quarter section twenty-eight, a patent shall issue in the name of said Tice, for the quarter section selected as aforesaid.

Approved, March 3, 1835.

[No. 91.]—AN ACT to authorize the sale of certain lands belonging to the University of Michigan.

Be it enacted, &c., That William Woodbridge, John Biddle, and the Governor of the Territory of Michigan, trustees of the University of said Territory, be, and they are hereby, authorized to sell at public auction, to the highest bidder, after sixty days' previous notice of the time and place in three of the newspapers of said Territory, the following tracts of land belonging to said University, and lying near Toledo, on the Maumee river of Lake Erie, to wit: tracts number three and four, the southwest quarter of section number two, and the west half of section number three, in township number three, within the "twelve mile reservation," at the foot of the rapids of the said Maumee river; and the said trustees are hereby authorized to make good and sufficient conveyance of said lands; and the product arising from the sale thereof shall be considered and shall constitute a part of the general fund appropriated for the benefit of the University of Michigan.

Approved, March 3, 1835.

[No. 92.]—AN ACT for the relief of George C. Seaton.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay out of any moneys in the treasury not otherwise appropriated, to George C. Seaton, of Washington county, Pennsylvania, the sum of two hundred and eighty-eight dollars, arrears of pension, from the fourth of March, one thousand eight hundred and twenty-nine, when his proof was completed, till the fifth of March, one thousand eight hundred and thirty-two, when his case was finally determined at the War Department, and his certificate of pension issued.

Approved, March 3, 1835.

[No. 93.]—AN ACT to authorize the Secretary of State to issue letters patent to James Jones.

Be it enacted, &c., That the Secretary of State be, and he is hereby, authorized and required to issue letters patent, in the usual form, to James Jones, for his invention of "certain improvements in the making of rovings, spinning, and doubling of cotton, silk, flax, and other fibrous substances," upon his complying with all the provisions of the existing laws, except so far as they require, on the part of aliens, a residence of two years in the United States.

Approved, March 3, 1835.

[No. 94.]—AN ACT for the relief of Thomas Buford.

Be it enacted, &c., That the sum of seven hundred and sixty-five dollars and sixty-five cents be paid to Thomas Buford, out of any money in the treasury not otherwise appropriated, to reimburse him for advances to that amount made by him to several American militia men, to furnish themselves with provisions and clothes, upon their way to their homes, after having been released from captivity by the enemy during the late war.

Approved, March 3, 1835.

[No. 95.]—AN ACT for the relief of Henry Awkward.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Henry Awkward, of the city of Washington, the sum of four hundred dollars, out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1835.

[No. 96.]—AN ACT for the relief of the children of Dominick Lynch.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized, on behalf of the United States, to cause to be released and assigned to the children of Dominick Lynch, the interest in the estate of his father, heretofore assigned by the said Dominick for the use of the United States, upon obtaining the benefit of the act for the relief of certain insolvent debtors of the United States, passed the second of March, eighteen hundred and thirty-one, and the act in addition thereto, passed the fourteenth of July, eighteen hundred and thirty-two.

Approved, March 3, 1835.

[No. 97.]—AN ACT authorizing the Secretary of the Treasury to refund to Richard Butman the tonnage duty imposed on the schooner Brandywine.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to refund to Richard Butman, the owner of the schooner Brandywine, the tonnage duty imposed on said vessel on her arrival in the district of Middletown, in the State of Connecticut, which duty has been paid into the public treasury, the same vessel having been considered, through mistake, by the collector of the port at the time of her entry, as a vessel not belonging to the United States.

Approved, March 3, 1835.

[No. 98.]—AN ACT for the relief of William Haskell and others.

Be it enacted, &c., That the collector of the customs for the port of Marblehead, in the State of Massachusetts, is hereby authorized to pay to William Haskell, owners, master, and crew, of the fishing schooner Friendship, to be distributed according to law, the same said vessel would have been entitled to receive as a bounty or drawback, if she had been actually at sea during the whole time required by law to entitle her to said bounty, she having been lost before she had accomplished the full term required by law.

Approved, March 3, 1835.

[No. 99.]—AN ACT for the relief of the legal representatives of Aaron Smith.

Be it enacted, &c., That the Secretary of the Treasury pay to the legal representatives of Aaron Smith, formerly of the village of Champlain, State of New York, the sum of eighty dollars, in full satisfaction of all loss and damage sustained by said Aaron Smith by the destruction of his property while in the military service of the United States by troops of the United States, out of any moneys not otherwise appropriated.

Approved, March 3, 1835.

[No. 100.]—AN ACT for the relief of Shubael Conant.

Be it enacted, &c., That the Secretary of the Treasury pay to Shubael Conant, out of any money in the treasury not otherwise appropriated, the sum of one thousand and seventy-six dollars and twenty-four cents: *Provided*, That he shall prove to the satisfaction of the said Secretary that he is the legal owner of the three accounts whose aggregate amount is the sum above mentioned, and which accompanied the said Shubael Conant's petition; the said accounts being for forage purchased for a company of rangers in the service of the United States, in the year eighteen hundred and fifteen, under the command of Captain Audrain.

Approved, March 3, 1835.

[No. 101.]—AN ACT for the relief of the representative of Thomas Clemmons.

Be it enacted, &c., That the proper accounting officers of the Treasury audit and adjust the account of the representative of Thomas Clemmons, for his services as an artificer in the brigade of Kentucky militia in the service of the United States, in the year eighteen hundred and twelve, and allow him such reasonable compensation as he is entitled to, as such representative, for the services of said Thomas Clemmons as such artificer, and for expenses in removing the gunsmith tools of the said Thomas Clemmons from his residence, until they were transported at public expense, and for the expense of returning them again from the place the said Thomas Clemmons was discharged, to his residence, and for the use of said tools during the term he so had them in the public service.

Sec. 2. *And be it further enacted*, That the sums so found due be paid to said representative, out of any money in the treasury, by the Secretary of the Treasury, not otherwise appropriated

Approved, March 3, 1835.

[No. 102.]—AN ACT for the relief of Theodore Owens.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, required to pay to Theodore Owens, of Key West, Florida, the sum of three hundred dollars, out of any money in the treasury not otherwise appropriated, for additional compensation for taking the census in the southern district of Florida.

Approved, March 3, 1835.

[No. 103.]—AN ACT for the relief of John J. Avery.

Be it enacted, &c., That the Secretary of the Treasury pay to John J. Avery, out of any money not otherwise appropriated, two hundred dollars, for the use and occupation of his land, and the damage he sustained by the erection of military works thereon in eighteen hundred and fourteen, and for digging up and defacing it, and carrying the soil away.

Approved, March 3, 1835.

[No. 104.]—AN ACT for the relief of Riddle Bectle, and Headington, and their representatives.

Be it enacted, &c., That the Secretary of the Treasury pay, out of any money in the treasury not otherwise appropriated, to Riddle Becktle, and Headington, and their representatives, the sum of two hundred and fifty dollars and sixty-two cents, to carry into full effect the act passed for their relief at the last Congress.

Approved, March 3, 1835.

[No. 105.]—AN ACT for the relief of Matthew C. Perry, a master commandant in the navy of the United States.

Be it enacted, &c., That there be paid, out of any money in the treasury not otherwise appropriated, to Matthew C. Perry, master commandant in the navy of the United States, a sum not exceeding one thousand five hundred dollars, for extra services and expenses incurred by him while commanding the United States sloop of war Concord, in obedience to orders, and, more particularly, in the reception on board his ship of Mehemet Ali, the Pacha of Egypt, and a numerous suite.

Approved, March 3, 1835.

[No. 106.]—AN ACT for the relief of E. R. Shubrick, of the United States navy.

Be it enacted, &c., That there be paid, out of any moneys not otherwise appropriated, to E. R. Shubrick, a master commandant in the navy of the United States, the sum of one thousand three hundred dollars, being a reimbursement of extra and unavoidable expenses incurred by him while commanding the sloop of war Vincennes.

Approved, March 3, 1835.

[No. 107.]—AN ACT for the relief of Stevens Smith, and the heirs of Patrick McRown, and crew of the fishing schooner Rising States, of Bath bay, in the State of Maine.

Be it enacted, &c., That the collector of the customs for the district of Wiscasset, in the State of Maine, is hereby authorized to pay to Stevens Smith, and the heirs at law of Patrick McRown, and also the heirs of the crew of the schooner Rising States, to be distributed according to law, the same said vessel, owners, and crew, would have been entitled to receive as a bounty or drawback, if she had been actually at sea during the whole time required by law to be entitled to said bounty, she having been lost, together with her whole crew, before she had accomplished her full term required by law.

Approved, March 3, 1835.

[No. 108.]—AN ACT for the relief of David Kincaid.

Be it enacted, &c., That David Kincaid be confirmed in his title to five hundred arpens of land, situate in the forks of the river Chorette, district of St. Charles, being that lot of land claimed by the said David Kincaid, under a special permission to settle a concession from Charles Dehault Delassus, lieutenant governor, &c., dated fourteenth January, eighteen hundred and three; and that a patent issue in the usual form for the same: *Provided*, That this act shall only operate as a relinquishment, on the part of the United States, of all their right and claim to the above-described lot of ground, and shall not be considered as interfering with the rights of third persons.

Approved, March 3, 1835.

[No. 109.]—AN ACT for the relief of Samuel Butler.

Be it enacted, &c., That the sum of one hundred and eighty dollars be paid to Samuel Butler, for the loss of a wagon, harness, and horse, at Buffalo, in the State of New York, by the enemy, during the late war, while the same were in the service of the United States; and that the same be paid out of any money in the treasury not otherwise appropriated.

Approved, March 3, 1835.

[No. 110.]—AN ACT for the relief of Mervin P. Mix.

Be it enacted, &c., That the Secretary of the Navy audit the claim of Mervin P. Mix, late a lieutenant in the navy of the United States, for loss incurred by him on disbursing treasury notes for the recruiting service at New York, in the years one thousand eight hundred and fourteen, and one thousand eight hundred and fifteen, and that he be authorized to credit said Mix any sum he may prove he has lost in said disbursement, not exceeding the sum of six hundred and fifty-one dollars and seventy-nine cents: *Provided*, That the Secretary of the Navy, before he shall make said credit, shall find that the said loss arose from the sale of said notes, under the orders of Commodore Oliver H. Perry, under whose command said Mix was employed in the recruiting service.

Approved, March 3, 1835.

RESOLUTIONS.

[No. 1.]—Whereas the Winchester and Potomac Railroad Company have found it practicable to make the railroad through the grounds belonging to the United States at Harper's Ferry, agreeably to the exact tenor of the joint resolution passed for their benefit at the last session of Congress:

Resolved, &c., That the said Winchester and Potomac Railroad Company are hereby authorized to complete said railroad, as now located through said grounds, on paying the value of any improvements injured by the road, or giving authority to replace them in other positions, should they be deemed by the President of sufficient importance to be paid for or removed: *Provided, however*, That the road shall be constructed in such place, as far as it passes through the public grounds at Harper's Ferry, as may be approved by the President.

Approved, January 27, 1835.

[No. 2.]—A RESOLUTION presenting a gold medal to George Croghan, and a sword to each of the officers under his command, for their gallantry and good conduct in the defence of Fort Stephenson, in eighteen hundred and thirteen.

Resolved, &c., That the President of the United States be requested to cause a gold medal to be struck, with suitable emblems and devices, and presented to Colonel Croghan, in testimony of the high sense entertained by Congress of his gallantry and good conduct in the defence of Fort Stephenson, and that he present a sword to each of the following officers engaged in that affair: to Captain James Hunter, to the eldest male representative of Lieutenant Benjamin Johnston, and to Lieutenants Cyrus A. Baylor, John Meek, Ensign Joseph Duncan, and the nearest male representative of Ensign Edmund Shipp, deceased.

Approved, February 13, 1835.

[No. 3.]—A RESOLUTION for the disposition of a lion and two horses, received as a present by the consul of the United States at Tangier, from the Emperor of Morocco.

Resolved, &c., That the President of the United States be, and he is hereby, authorized to cause the two horses received as a present by the consul of the United States at Tangier, from the Emperor of Morocco, to be sold in Washington city, by public auction, on the last Saturday of February, one thousand eight hundred and thirty-five, and to cause the proceeds thereof to be placed in the treasury of the United States; and that the lion, received in like manner, be presented to such suitable institution, person, or persons, as the President of the United States may designate.

Approved, February 13, 1835.

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  - motion made to suspend the orders of the day to take up this subject, 1496; negatived.
- Priority of business; a resolution proposing to give to certain bills a priority of consideration, 1350; negatived.
- Public lands, the bill providing for the reduction and graduation of the price of, made the order of a certain day, 778.
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Public money; a resolution submitted calling on the Secretary of the Treasury to state whether it is practicable or convenient for that Department to collect, keep, and disburse the public moneys without the agency of a bank or banks, 893; laid on the table, 902.

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Rule of the House, the 13th, proposed to be amended so as to admit on the floor district attorneys, &c., 891; laid on the table, 892.

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